

**Conservation Commission
Meeting Minutes
April 8, 2014**

The Conservation Commission held a meeting on April 8, 2014 in the Lakeville Public Library Conference Room. The meeting was called to order by Chairman Bouchard at 7:00 p.m. Members present were Robert Bouchard, Joseph Chamberlain, Linda Grubb, Hugh Rogers, Ryan Trahan, Derek Maksy and Martha Schroeder. Sarah Kulakovich, associate member; Nancy Yeatts, Conservation Agent; and Jennifer Jewell, recording secretary were also present.

7:00 PM 81 Highland Road – Collins – Notice of Intent

The legal ad was read into the record by Chairman Bouchard. David Clennert and Riley Collins were present for the discussion. The foundation will be demolished and the existing septic system will remain. The house plans were reviewed. The new house will be slightly smaller, and further from the BVW (Bordering Vegetation Wetlands) the siltation barriers were reviewed. The existing shallow well will be abandoned. A new well has been proposed. The BOH (Board of Health sign-off is contingent on Title V approval and well test. The ZBA (Zoning Board of Appeals) has approved it with limited tree and shrub removal. It passed Title V seven (7) years ago. Ms. Yeatts asked if there is no current Title V does it pass or will this have to be revisited. Mr. Clennert responded that it would be dependent on location, might be able to stay out of that area. Ms. Yeatts suggested to amend this on the RDA or file a new NOI. There is also the 25' no touch zone. The field can be staked. The elevations and slope were discussed. They are bringing in fill for the foundation and to dig the new well. Possible septic locations were discussed. Will the septic be okay was asked. Mr. Clennert stated that this is a BOH issue. The old dirt driveway is presently on the well site location. It is unsure of the future driveway plan, possibly a turnaround. This will need to be revisited. There are no drainage pipes apparent to the pond. The water quality has been considered good but it has not been tested for years. It is 16' deep. The well is within 100' feet of the septic.

Upon motion made by Member Trahan; seconded by Member Maksy, the Commission:

VOTED: To approve the NOI including the standard conditions, the usual pre and post conditions, the conditions for grading, no mowing in the 25' buffer and if there are any deviation from the plans that the matter will be brought forward to be revisited..

7:00 PM Route 44/Harding Street – High Rock Harding – NOI, continuance

It was noted that the BSC report has just been received. There is no MassDOT signature. MassDOT should issue a report with recommendations. It is not known about Middleborough's status.

Upon motion made by Member Chamberlain; seconded by Member Schroeder, the Commission:

**VOTED: To continue the NOI hearing for Route 44/Harding Street – High Rock Harding to Tuesday, April 22, 2014 at 7 PM in the Town Office Conference Room at the request of the applicant.
In Favor 6, Abstain 1 (Member Maksy)**

7:00 PM **5 Harding Street – High Rock Harding LLC – Request for Amended OOC**

There are questions regarding Holly Island Brook as intermittent stream. It needs to be confirmed or proved that it is perennial. It has been named and is considered the property line. Maybe leave that out of the OOC? The project is contingent on a CR (Conservation Restriction) in place. There is no BOS (Board of Selectmen approval. Ms. Yeatts will check into this. Member Grubb will write up opinions on CR and provide them to the BOS. Also, the long term concerns, should be addressed before the project moves forward.

Upon motion made by Member Chamberlain; seconded by Member Schroeder, the Commission:

**VOTED: To continue the Amended OOC for 5 Harding Street – High Rock Harding LLC to Tuesday, April 22, 2014 at 7 PM in the Town Office Conference Room at the request of the applicant.
Unanimous in favor**

Other Business

- a. Meeting Minutes

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

**VOTED: To approve the meeting minutes of October 8, 2013 as amended.
In Favor 4, Abstain 3**

- b. Cold Storage

It was noted that two (2) OOC's for the cold storage building were not recorded. It is not sure if the attachments are needed and this will be looked into. The turtle barrier is in place already. For recording procedures they can contact the Conservation Commission. Member Grubb noted that the percent coverage is over the typical amount allotted. Something also needs to be done about parking. Ms. Yeatts stated that the leaves have been raked into the BVW (Bordering Wetland Vegetation). The Parking Lot work may need Conservation Commission review. The two (2) documents will be signed.

- c. 20 Shore Ave

The site visits were reviewed. Ms. Yeatts stated that the hose from the sump pump over the dewatering pit is going into the BVW. She had emailed the homeowner and DEP and it was fixed that day.

- d. 25' No Touch Zone Policy – Discussion

Discussion took place on the 25' No Touch Zone Policy. No reference pertaining to new construction. Sheds on existing? NO, is not always possible. Only legal building lots – new development. Non-conforming needs ZBA (Zoning Board of Appeals) approval. The variances to the policy were discussed. Member Maksy suggested it include any lot created after a particular date. Crossing and Replication were discussed. Ms. Yeatts stated that the 25' no touch policy that is existing she has not had any real trouble on it thus far. It is not done if it creates a hard ship. Also, each individual case is reviewed on its own merits. Member Chamberlain stated that the Commission does not set the precedent. Member Rogers stated that he was concerned with continuity. Member Maksy stated that the DEP cannot get legislative approval. If it happens routinely and isn't a written policy it's subjective. Member Maksy and Member Rogers asked if applicants would know to question the Conservation Commission no-touch policy. Member Chamberlain mentioned that the concern is regarding flooding and the impacts if this area is not

protected. Ms. Yeatts stated that the best thing for BVW is to stay away. Member Schroeder stated that they have authority and jurisdiction in the Buffer Zone. Member Maksy asked about this going to Town Meeting floor. Member Grubb stated that the policy is in existence. Ms. Yeatts stated that with McGee/Bartlett the 25" no touch policy began in Taunton and Lakeville unofficially adopted it. Chairman Bouchard stated that it exists since the Commission has done it since 2006. Member Maksy stated that it is too subjective. Discussion took place about asking Town Counsel for advice and the importance of a written policy versus a verbal policy. Member Chamberlain stated that the 25' no touch zone is now shown on a majority of the plans. Member Maksy stated that he was okay with it, "if it was possible" for a site, but not as a requirement or cause for denial. Chairman Bouchard stated that it should be site specific. Member Maksy stated that most new lots meet the building requirements. Thus, the old lots may need relief. Member Chamberlain stated that lot constraints dictate whether they need relief. It was the consensus of the Commission to table the 25' No Touch Zone Policy.

e. 81 Highland

The Commission discussed whether they have the right to say "no mow". Chairman Bouchard stated that the DEP says that if an area is mowed then it is okay to continue to mow.

f. Online subscription to MACC

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

**VOTED: To allow the expense of the online subscription to MACC if the members want it and they will be reimbursed.
Unanimous in favor**

Upcoming Meeting

The next meeting of the Lakeville Conservation Commission will be held at the Lakeville Town Office Building on Tuesday, April 22, 2014.

Upon motion made by Member Maksy; seconded by Member Trahan, the Commission:

VOTED: To adjourn the meeting at 8:30 PM.
Unanimous vote.

ConComm4-8-14final
JJ/CCW