

**Town of Lakeville
Conservation Commission
Tuesday, April 19, 2016
7:00 PM – Lakeville Town Office Building**

On April 19, 2016, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Town Office Building. The meeting was called to order by Chairman Bouchard at 7 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Peter DeFusco, Mark Knox, Derek Maksy, and Martha Schroeder, Katherine Goodrow-Robinson, Associate and Sarah Kulakovich (enter 8:30 PM), Associate, and Nancy Yeatts, Conservation Agent. Christine Weston, Recording Secretary transcribed these meeting minutes from Vimeo. LakeCAM was recording the meeting.

7:00 PM

RDA– Churchill Shores Lot/end of Sandy Point Road – Cabral

Chairman Bouchard opened the continuation of the Churchill Shores Lot hearing. *Jamie Bissionnette of Zenith Engineering was present for the discussion along with Sandy Haworth, abutter and half owner of the property.* Mr. Bissonnette provided new plans for the proposed work.

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

**VOTED: To accept the new plans from Zenith Engineering as presented.
Unanimous in favor**

The Agent and the Wetlands Scientist met and inspected the site last week. Two (2) of the flags were relocated. Note #9 was added stating that if the parking area project is to be constructed, it will be brought down 24 inches, and clean fill will be brought in suitable for parking. Ms. Haworth stated that she did not have the opportunity to speak with anyone about the flags. Ms. Haworth stated that she has a few concerns. The first is regarding a flag which is directly in front of a large deciduous tree, and she does not want that tree or any trees coming down. She stated that she and her husband have made that perfectly clear on more than one occasion. The second is, if she read the plan correctly, any work was to be five (5) feet off her abutting property, however, it appears to be only two (2) feet off the line. It was expressed that the Haworth's want things to work out, noting that this is still property that they own 50% of. Ms. Haworth stated that she continually wrestles in her head with how the Commission can give permission to alter property that she and her husband co-own, knowing that they do not want any changes to the property. Ms. Haworth showed a photo of the flag right in front of the large tree. She stated that it appears that the angle has shifted from how the flags are allocated. Ms. Yeatts stated that the plan shows erosion control, but it is not close to that particular tree on the plan. Mr. Bissonnette explained that the plans show as many trees as could be depicted, particularly the major trees were noted on the plans, but not every tree.

Ms. Yeatts clarified the fact that the Conservation Commission is not giving permission for the work to be done, the Commission decides what type of work would be allowed and how it

would have to be done according to the Wetlands Protection Act. The majority of the property is being left alone, the Commission is approving work *NOT* giving permission for anyone in particular to do the work. Member Knox added that what is being proposed by Mr. Bissonnette complies with the state standards. Since there are other concerns, this seems to be a civil matter. Ms. Haworth stated that she hears what is being said, however, it seems that the other owner feels that when the Commission votes it gives him rights, however, it is agreed that this may be a civil matter. Chairman Bouchard stated that this was all taken into account when the matter was posed to Town Counsel for clarification. The Commission issues the permit which only determines what can be done.

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

**VOTED: To approve and issue a Negative 3 Determination of Applicability, subject to approval by Natural Heritage and any conditions that they may require and with the condition that the Agent is to be notified prior to the parking area being constructed at the Churchill Shores/Sandy Point Road lot.
Unanimous in favor**

NOI –22 Montgomery Street – Dunn

Chairman Bouchard stated that 22 Montgomery Street was a continuation requested by the Applicant. Ms. Yeatts explained that the potential buyer, is not purchasing the property and has provided an email asking that the NOI be withdrawn without prejudice.

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

**VOTED: To withdraw the application (NOI) provided by the applicant without prejudice.
Unanimous in favor**

RDA – Keolis Commuter Rail Services – Kyle Fair

Chairman Bouchard read the legal notice into the record. Ms. Yeatts explained that this is something that Keolis does every five (5) years. The Agent recommended that the Commission vote a Negative 5 Determination of Applicability.

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

**VOTED: To issue a Negative 5 Determination of Applicability for Keolis Commuter Rail Services.
Unanimous in favor**

NOI – 115 Staples Shore Road – Robert Arneson

Chairman Bouchard read the notice into the record. *Darrin Michaelis was present from Foresight Engineering.* All the work has been kept outside of the 50 foot buffer. The tanks are within 100 feet and approvals have been received from the BOH. A dewatering area will be set up for when the tanks are installed. The house will be built above the flood elevations. Right now the house is sitting on blocks and it is eroded underneath. Ms. Yeatts mentioned that the

NOI had come in without the 25' and 50' buffers depicted on the plans. Mr. Michaelis was contacted and he later drew them on the plans. Ms. Yeatts stated that she also cannot find percent coverage on the plan. Mr. Michaelis responded that he did not provide the percent coverage since the percent coverage is not being changed. Ms. Yeatts explained that the plan is a plan of record and percent coverage is one of the Conservation Commission's requirements. Ms. Yeatts stated that she did not agree with the wetland line in the back. The Commission is not approving the wetland line in the back, therefore if there is to be any work in that area there will need to be a new filing. Mr. Michaelis stated that he has not received anything from Natural Heritage for this project as of yet.

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

VOTED: To close the hearing and issue the Conservation Commissions Standard Special Conditions indicating that the Conservation Commission does not approve the wetland line at the rear of the property, the lot percent coverage is to be added to the plan of record, the project is pending Natural Heritage approval and any conditions that they may request. Any work done at the rear of the property would require a new filing.
Unanimous in favor

7:30 PM

RDA – 139 Staples Shore Road – Kelliher

Ms. Yeatts stated that the RDA for the dock did not get noticed in the paper. The matter will be continued at the May 10, 2016 Conservation Commission meeting at 7 PM in the Lakeville Library. Mr. Peter Panettieri was present but was excused.

COC – 10 Keene Shore Road – Mello

Ms. Yeatts explained that the COC is for the original (old) filing. *Mr. Bissionnette, of Zenith Consulting Engineers, was present for the discussion on behalf of Azor Land Sciences.* The BOH has indicated that work is already taking place at the site. Mr. Bissionnette stated that they would like to close out the original filing, and, yes work is going on at the site since he was there yesterday. Ms. Yeatts stated that she has not had the opportunity to visit the site and survey the situation. The old plan shows a ditch, which is labeled as a tributary. Mr. Michaelis explained that any natural or man-made ditch is to be called a tributary for BOH issues. Any erosion could go into the pond since it is connected to it. It needs to be protected so that nothing goes into the pond. Ms. Yeatts stated that she needs a clear understanding about the ditch since it is not depicted on the new plan. Mr. Bissionnette that the ditch is a manmade trench filled with concrete, mortar and natural field stones. There had been a pump for it near the existing boat house which fed the water up then allowed it to run down the channel for aesthetic reasons. The pipe apparatus screened the water which was pumped up the hill to run down the channel. Ms. Yeatts showed the Commissioners the plan from 2011 and what she talking about with the tributary. She stated that she needs the opportunity to visit the site, look at the ditch, etc. Mr. Bissionnette stated that he would be happy to walk the site with the Agent. Further, he would like to still present the new NOI and go forward.

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

**VOTED: To continue the request for a COC for 10 Keene Shore Road COC to May 10, 2016 at 7 PM at the Lakeville Library.
Unanimous in favor**

NOI – 10 Keene Shore Road – Chaves

Chairman Bouchard read the legal notice into the record. *Mr. Bissionnette, of Zenith Consulting Engineers, was present for the discussion on behalf of Azor Land Sciences.* Mr. Bissionnette stated that the NOI is for a new septic system and to raze the existing dwelling and construct a new one. The new dwelling will be flood compliant based on the new flood maps. There will be landscaping improvements made, a new well and other significant upgrades made to the property. There will be erosion control put up on the site where work will be done in the buffer zone. A meeting took place with the property owner and it was agreed that the erosion control will be moved closer to the stone wall for space purposes with machinery. The stonewall will help the structural integrity of the erosion control. Member LeBlanc asked about the old NOI, was it just for the septic system, and was it done? Mr. Bissionnette responded in the affirmative. Member LeBlanc stated that if this is a completely separate project, should the old filing be continued? Ms. Yeatts stated that work has been done on the site. Mr. Bissionnette explained that some driveway work has been done. As far as major disturbances in the buffer zone there are some. Straw wattles are up on the side of building where some work has been done. Ideally, the owners would like to move forward tonight with the OOC since they are anxious to break ground and start putting in the foundation in. Mr. Michaelis had treated the tributaries as a buffer zone for Title V purposes. Ms. Yeatts read the conditions the original filing had. Mr. Bissionnette stated that the grass seed had not been done. Ms. Yeatts explained that the grass seeding will be one aspect which would be carried over.

Member Schroeder stated that it appears that the amount of impervious coverage has doubled. She asked what the percentage of the buffer area is that has been covered. Mr. Bissionnette stated that the owners have over six (6) acres. He explained that he did not have an answer to her question, but guessing it may be 30%. The house is being moved further from the pond. Member Knox pointed out that the site could also be sold for three (3) other house lots, but the owner is not doing that. Member Schroeder stated that grading had been mentioned, but there is no indication of this on the plan. Mr. Bissionnette referred the Commission to sheet 2 of 2 where it is being proposed. Mr. Bissionnette pointed out the proposed contours and explained that the swale coming around the side is basically a way to direct water around house so that it will not go into the basement. There has not been a response received from Natural Heritage about any conditions that they may request. Member Schroeder stated that she was impressed with the backlands, the house being moved back but she was concerned about the percent coverage. Ms. Yeatts will call Mr. Bissionnette about scheduling a time to walk the property. Mr. Bissionnette will provide figures on the impervious coverage and the buffer zone.

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

**VOTED: To continue the NOI for 10 Keen Shore Road to May 10th at the Lakeville Library at 7 pm.
Unanimous in favor**

NOI William Markson trustee

Chairman Bouchard read the legal notice into the record. *Jason Youngquist was present for the discussion from Outback Engineering and Bill Markson, owner, was present.* The proposed project is to expand the site with four (4) additional buildings and associated driving areas. The wetland line was approved through an ANRAD. For drainage there will be two (2) shallow basins, not as deep as the original ones, one outside of the 50' buffer, and the other between the 50' and 25' buffer but outside the 25' foot buffer. Some of the water will be recharged; the rest will slowly be let out into the wetland area. Any runoff will be treated through a swale before it hits the basins as required under storm water management. Ms. Yeatts stated that she is pleased that most of the building is out of the 100 foot buffer. Ms. Yeatts noted that extra hay bales may be needed at the infiltration basin close to the 25' line. This can be determined at the time of inspection.

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

**VOTED: To close hearing and issue OCC and inspection of silt fence to be properly dug in with potential of hay bales to be added.
Unanimous in favor**

Amended COC – 37 Mill St. – Dupre

Chairman Bouchard read the legal notice into the record. *Jason Youngquist, of Outback Engineering, was present for the discussion.* Mr. Youngquist explained that the project had been issued an OOC, and now the applicant would like to modify the work to be done within the buffer zone, since the size of the house has expanded a bit. The area in the front will remain the same. There is some tree cutting in the 50 foot buffer. A silt fence is being proposed, there is quite a slope in this area. Ms. Yeatts explained that originally the proposal was for a garage on the slope; however, it did not qualify for an amendment. An amendment would be a small change and the garage exceeded that. The homeowner came in and spoke with the Agent about the project. The garage will take place another time as a new NOI. The Agent performed a site visit and the only condition that is being recommended is to upgrade the haybale line since it took a beating over the winter. The Agent will need to be called to inspect the haybale line when it is complete.

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

**VOTED: To close the hearing and approve the amendment with the condition that the haybale line will be upgraded.
Unanimous in favor**

Reports:

a. Tamarack Park – Member Schroeder

Member Chamberlain asked that Member Schroeder remind him about mowing the meadow. Member Schroeder read her report into the record;

The new work season will not begin until the first week in May. The meadow, well established now, should have been moved by now, but it has been hard to find weather we could count on. Goals for this season are to maintain the meadow, continue the struggle against bittersweet and garlic mustard in the sections we refer to as the Oak Grove, Dogwood Dell, Holly Grove, Berry Hollow, and Tamarack Hollow. Maybe this will be the year we can plant a Tamarack tree in Tamarack Hollow! We will monitor and replace plantings in those areas that did not survive the ravages of winter and deer.

We have a commitment from the Assawompset teacher, Kathy Nash, who has been such a dedicated supporter, to have her class purchase and plant for us yet another season. This year I will help them buy native wildflowers suitable to plant in the meadow. Kathy also wants to donate a tree in honor of her father.

Tamarack Park activities and pictures are posted on its Facebook page: Friends of Tamarack Park. The new kiosk also provides a place for posting explanatory information.

Recruiting volunteers continues to be a challenge. I am exploring holding an event next spring (indoors) on the importance of utilizing and preserving native plants in our landscapes. I had hoped to create an incentive to attendance with pots of native plants offered as door prizes but am told it might be considered a lottery and not legal!

b. Open Space – Member Schroeder

Member Schroeder read her second report into the record;

The Open Space Committee has focused on trying to carry out the tasks listed in the 2012 Open Space Action Plan. We provided the Selectmen with a list of Chapter 61 properties that we felt would be most significant to the goals of the Open Space Plan if they remained open space should they be presented for sale to the Town. We are currently investigating such a property which, being extremely rich in wildlife, we feel would be of great benefit as open space available to the public. We support the Right to Farm bylaw and have complied a list of farms within the town as requested by a Gazette reporter. We are also in support of the citizens' petitions for CPA and a wetlands' protection bylaw as being consistent with the goals of the 2012 plan.

We are currently greatly handicapped by being short two members, including a much needed representative from the Park and Recreation.

c. ZBRAC – Zoning Bylaw Review Advisory Committee – Member Maksy

Member Maksy stated that the ZBRAC has been proposing some housekeeping changes to be made so that the Building Commissioner can better execute his functions. The changes have been submitted to the Planning Board and have been provided to the Clerk. Copies will be made and provided to the Commission. The committee is not promoting any new bylaws at this stage and is not charged to. He asked that the topic be included on the next agenda of the Commission. Ms. Yeatts stated that she will also make sure that the information is emailed to the Commission.

d. MPIC – Master Plan Implementation Committee – Member LeBlanc

Member LeBlanc stated that the Master Plan Implementation Committee developed a survey that went out with the taxes for residents to complete. It was sent by email to Ms. Yeatts and she has copied and provided the 34 pages of the survey summary. The Commission is welcomed to read it at their leisure since it is difficult to read the survey online. The Master Plan Implementation Committee is currently going over existing master plan which is ten (10) years old. The Committee is also meeting with Town Department Heads to go over where they stand now, and what has taken place over the past ten (10) years, and looking ahead ten (10) years to where they want to be. Departments will be asked to write a few paragraphs about their Department and SRPEDD will be providing assistance through the process of developing a new Master Plan for the Town. The survey will be incorporated into the new Master Plan.

e. Casino Advisory Committee –Member Chamberlain

Member Chamberlain stated that the Casino Advisory Committee has met infrequently as of late. Basically it has been gathering information to understand the legal status of the two (2) types of Casinos, Commercial and Tribal. With the Tribal Casinos, they do not have to offer any mitigation, while with Commercial Casinos, 6.5% of their revenue can be used as mitigation for that which has had impacts to surrounding towns. That impact is basically traffic and crime. One of the concerns of the Casino Advisory Committee is the fact that they will use a lot of water, which will come from Elders and Assawompsett Ponds though Taunton water. They are planning a \$60 million dollar facilities including. With the water park it has been indicated that they will be using recycled water, therefore, “it does not count”. Keiko Orrall, State Representative, has been very active in following what has been taking place with respect to the Casinos and Legislation. The Gaming Commission can provide some help, however, they need to be advised ahead of time of anticipated problems, which is very difficult to predict. Any huge destination area will have impacts once it is up and running.

f. Energy Advisory Committee – Member Joseph Chamberlain

Member Chamberlain stated that through the efforts of Nate Darling, Building Commissioner, Jim Kenney, Energy Advisory Committee member, and other members of the Committee, the town has saved about a half million dollars by conserving energy. New boilers, hot water heating systems, interior lighting, retrofit pipe insulation, smart thermostats, new windows and insulation, and more interior lighting are examples of how the savings were made. They now have a handle about the power usage and where it is going at the school campus. This is all possible through grants that the Town Administrator and Mr. Darling are working on. Mr. Kenney has created the spreadsheets that show all the numbers related to the various Town buildings, energy consumption, etc., for the past five (5) years for analysis.

Other Business

1. Agent Requests

Ms. Yeatts provided an update regarding piles of fill that she has noticed, and has received calls on, as she has been out doing site inspections/visits near Staples Shore Road. The particular property is owned by Mr. Leo Bisio, which is located next to the former Lions Club property. There are wetlands located directly behind the piles of fill/dirt and other material that have been left on the property and the amount of the piles and types of material has been increasing over a period of time. The Agent had stopped and taken a few photographs of the piles and a picture was shown to the Commission. When Mr. Bisio was contacted he stated that he will use the material as backfill to foundations. The wetlands along that particular property are Federal Wetlands. Since the Lions Club had created the wetlands, any work (houses built) which has taken place was with/through the Army Corp of Engineers. Member Chamberlain stated that the word dirt is a subjective word since there is a substantial amount of material in the piles, which are being referred to as “clean fill”. Ms. Yeatts explained that Mr. Bisio had had to go before the Zoning Board of Appeals for the last lot that was being built on. Mr. Bisio needs a permit from the Army Corp. of Engineers, to do the work, and the Zoning Board has put that on his permit. The work originally started in 2012. Member Chamberlain asked if the Agent had asked Mr. Bisio if he notified the Army Corp. of Engineers? Ms. Yeatts explained that during one of her phone calls with Mr. Bisio she had stated to him that there was quite a bit of “fill” on the site and had let him know that she was sending word to the ZBA explaining that Mr. Bisio needs an Army Corp. permit. The ZBA has asked the Agent in the past to keep an eye on the site. Chairman Bouchard stated that the Commission needs to send Mr. Bisio a letter reminding him what has been explained to him by the Agent, and copy it to the Army Corp. of Engineers. Ms. Yeatts stated that she will draw up a letter to Mr. Bisio explaining that before work is started on the lot with the piles of fill, the Commission will need to see his permit with the Army Corp. Chairman Bouchard stated that the fill has the potential to impact the wetland area. Member Chamberlain suggested to also let him know that calls have been received from neighbors and others about the piles on the property.

Ms. Yeatts further stated that due to the increased amount of site inspections that she has been making, though the Commission does have in place a fee of \$25 that the Agent can charge for a site visit, she has never charged the fee. However, she suggested that there be a limit of which when exceeded she could have discretion to charge the fee. Since the Agent is limited each week by the amount of office and onsite hours, the additional inspections are taking away from time she could be addressing other matters. Member Knox suggested that the Agent can treat the site visits as matters of lack of compliance. A clear lack of compliance requiring 2-3 or more site visits to get same thing corrected, it is understood that a fee would be charged.

2. Outstanding Meeting Minutes

Resident Grubb asked about the meeting minutes that were discovered that were never approved. Ms. Yeatts responded that they will be brought in for approval at upcoming meetings of the Commission.

3. Wetland By-Law Review

Member Schroeder asked and suggested that people read the wetland by-law that had been emailed to the Commission. The Commission needs to take a vote to see if they agree to support it or not. The item will be put on the May 10th agenda, Town Meeting has been scheduled for Monday, June 6th. Chairman Bouchard noted that he will not be present at next meeting.

4. Update on Vigers – Rules and Regulations

Ms. Kulakovich presented three events that she is looking for approval for and asked that they be documented in minutes. The first is for Vigers walks to take place on the first Sunday of each month and information will be provided about the wetland protection. The general public would have the opportunity to come and ask questions. This would begin on May 1st.

The second event would take place on Saturday, June 11th with the Girl Scouts. Their service unit from Freetown/Lakeville will be visiting and they are filling out the approval forms. There will be no more than 20 cars parked. The visit will increase usage and also awareness of the monthly walks.

The third event would be “goat scaping”. Goats belonging to those active in the local 4-H (Head, Hands, Heart & Health) would bring in their goats to work as invasive control for poison ivy, bittersweet and brush. Families and the general public would be invited to come and watch how the goats chew up what needs to be cleared. The “goat scaping” can take place from May 1 through June 11. There would be no charges or expenses involved for any of the events. Having the goats with their handlers will show that there are alternative ways to do landscaping which is natural, organic and to raise this awareness. This is something that is getting trendy. Some companies charge \$500 a day to bring in about 30 goats to chew/eat areas that need to be cleared. If it goes well Ms. Kulakovich stated that she would like to further use the goats throughout the summer, on Fridays, to clear all of the poison ivy that has taken over the loop trail behind the house. Initially the goats will be on a lead and will only be at the site for about an hour. There would be a limited amount of goats, possibly four (4). Ms. Kulakovich explained that she has been working with the Town Administrator on this item, concerning approval, regarding any liabilities, insurance, and if the matter has to be presented to Town Counsel. Signage for the events can be made depicting “pocket tours”, a wetlands educational event, natural ways to control invasives, and above all raise further recognition to the property for Mr. Bissonnette in order to increase the fundraising that has been taking place so that the inside work to the building can take place. It was noted that Member Schroeder and Resident Grubb will provide the information on the wetlands by-law. Ms. Kulakovich will make sure trafficking and parking issues are alleviated. In the press release it alludes to the fact that the site has no public restrooms. Resident Grubb stated that she was in agreement with the goats, however she asked that the area be pre-screened to make sure that there is no material that the goats might eat that would be harmful to them, and asked that the goats be kept out of the wetlands. Ms. Kulakovich explained that the 20 x 40 foot overflow parking area is where the brush is that the goats would be allowed to eat. Resident Grubb asked that the area where the goats would be, be flagged. Ms. Kulakovich stated that she could do that and then report back to the Commission on what the goats have accomplished. She added that bringing in the 4-H will help with funding, camping programs, the U-Mass extension, etc. providing great opportunities.

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

**VOTED: To allow a general public educational (informational about wetlands) walk to take place in and at Vigers on Sunday, May 1, 2016, and the first Sunday of each month.
Unanimous in favor.**

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

**VOTED: To allow the mid-May goat scape (eating of brush) to take place pending any legal or liabilities to the Town or any other entities that might matter providing that clean up is done after the goats visit the site. There is to be no encroaching on the wetlands and the areas will be flagged for where the goats and handlers will be.
Unanimous in favor**

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

**VOTED: To allow the Girl Scouts to visit Vigers on June 11, 2016 as requested.
Unanimous in favor**

Ms. Kulakovich stated that she had forwarded an article to the secretary about how goats can be trained to eat only what they are directed to eat. It is hoped that the article is forwarded to the Commission. This is something that is done in California.

5. Approve meeting minutes of 3-22-16

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

**VOTED: To approve the Conservation Commission meeting minutes of 3-22-16 as presented.
Unanimous in favor.**

6. Pay Bills (if necessary)

There were no bills presented for signature.

Schedule next meeting.

Chairman Bouchard stated that he will not be available for the May 10 Conservation meeting and asked that Member Chamberlain run that meeting.

The next meeting was scheduled for Tuesday, May 10, 2016 at the Library on Precinct Street.

Adjournment

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

VOTED: To adjourn the Conservation Commission meeting at 9:20 PM.
Unanimous in favor

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