

Town of Lakeville
Conservation Commission
November 28, 2023 at 7pm

Members present: Chairman Robert Bouchard, John LeBlanc, Joseph Chamberlain, Nancy Yeatts, Josh Faherty and Mark Knox. Chairman Bouchard called the meeting to order at 7pm. LakeCam was present to record.

310 Kenneth Welch Drive - Notice of Intent (SE192-891) - Goddard Consulting - Increase in parking and wetland replication. Continued from 11/14/23 meeting. Andrew Thibault from Goddard Consulting was present for discussion. He said there were no new materials submitted. This project was originally submitted back in the spring, then submitting new materials in the summer. One of the comments from DEP was regarding the river on the property. It is mapped as a perennial stream. When this project was first permitted years ago, it was an intermittent stream, but that has since expired. They are still reviewing that area in the field. They had a site walk with their peer reviewer last month where they reviewed the wetland and river delineation. There are two flags that will be resurveyed. A new plan will be submitted with the riverfront area shown, which may change some of the mitigation required. Mr. Thibault said he would like to continue for two weeks, but it may be four.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to continue to December 12th at 7pm.

Unanimous approval.

9 Cross Street - Notice of Intent (SE192-902) - Zenith Consulting Engineers - new single-family dwelling, septic system, well, grading, lot clearing, utilities, driveway crossing, and replication area. Continued from 11/14/23. Nyles Zager from Zenith was present for discussion. He said last time there was a concern raised about the cost of the peer review. He put together a list of three botanists that they have worked with in Middleboro. He urged the Commission to contact the Agent in Middleboro regarding the botanists. Member Knox said he thought the scope of work was verbally being diminished because he thought they also wanted the construction of the crossing to be reviewed, not just the wetland line and the culvert, because of possible flow of water from one side to the other. There was a brief discussion regarding the scope of work.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to continue 9 Cross Street to December 12th at 7pm.

Unanimous approval.

Goat Island - Request for Determination of Applicability - Build a 24x20 shed on grade. Continued from 11/14/23. Jerry Velozo was present for discussion. He said they would like to build a 24x20 shed on Goat Island. Some of the Commissioners have done a site visit and had discussed making a foundation out of Helix coils penetrating the ground. They have changed that, and now would like to build on grade with cinder blocks. There won't be any disturbance, they don't plan on cutting any trees. Member Yeatts said last time work was done, equipment was taken out on a pontoon boat. Mr. Velozo said he has a larger pontoon boat that carries 7-8 tons. He plans to take a 2-ton Kubota out to the island to do

any clean up that is needed. Member Faherty asked if they planned to store anything in the shed. Mr. Velozo replied that they would probably keep some boating supplies in it. Member Faherty asked if any fuel would be kept on site. Mr. Velozo said no. Member Chamberlain asked if there would be any porta-potties placed on the island. Mr. Velozo said no. Member LeBlanc asked if they had pulled a building permit. Mr. Velozo said they came to the Commission first, but would be pulling a permit.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to issue a negative determination three, which is the work described in the request is in the buffer zone as defined in the regulations, but will not alter an area subject to protection, subject to jurisdiction in the Act. Therefore, said work does not require filing of a Notice of Intent, but is subject to the following conditions: no fuel storage.

Five in favor, 1 recused (Faherty).

4 Fieldstone Drive - Notice of Intent (SE192-905) - Zenith Consulting Engineers - Removal of stockpiles within 100' of a wetland with areas to be loamed and stabilized. Continued from 11/14/23. Nyles Zager from Zenith was present for discussion. He had gone out to the site to see if they could file for a Certificate of Compliance for the open Order of Conditions discussed at the last meeting. It is not ready for a Certificate of Compliance filing at this point. The front of the yard is stabilized, the home is constructed, but the rear of the property is not stabilized. The deck is built, but it is all gravel. There is a silt sock up. The owner plans on getting a landscaper to finish up the work but this is not the time of year for that. At the last hearing, they spoke about potentially doing an amended order, but when he originally filed this, his intention was to try to get the piles out. Mr. Zager said his client understands that he has to do the work. The Order of Conditions is valid until July of 2024. If he is not done 30 days prior, Mr. Zager will request an extension. Member Yeatts did a site visit with Mr. Zager the prior week. There did not appear to be any erosion from the site, or causing any issues to the resource area. There was one small section of erosion control that needed to be fixed, so it was replaced. He will continue to monitor the site and give updates to the Commission. He would like to close out the filing for the removal of the stockpiles, get that done, and then move forward with the work for the Certificate of Compliance. There was a discussion about the number of trucks that will be coming and going. They are hoping that the Commission will issue an Order of Conditions for the removal of the piles. There will be two Orders of Conditions concurrently and they could close them both out at the same time. Member Knox said it wasn't in Conservation's purview, but would this trigger a gravel removal permit. Mr. Zager said he would have to look at that. Some comments were made by an abutter and there was a discussion regarding the property. Mr. Zager said he will make sure that the work on the original Order of Conditions is done and is done properly. Another abutter asked if the initial Order of Conditions is not complied with, what are the consequences. If the gravel removal isn't going to happen until the spring, why not close out the initial Order of Conditions first and then come back and get the new one. Mr. Zager said they can't stabilize it at this point. Member Knox added that this is growing grass, and from December to March is difficult. Mr. Zager explained that the applicant wants to do the work, hopefully he can get a landscaper that can do it in the March/April time frame. By the time June comes, hopefully everything will have grown and stabilized. He would then be able to do his inspection, have the Commission do a site visit, and file for the Certificate of Compliance. If they need to ask for an extension, he would have to do that 30-days before the expiration. They can then extend it as far as they see fit.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to close the hearing and issue an Order of Conditions with the following: the road will be cleaned at the end of each day, an estimate of material will be done to determine if an earth removal permit is required from the town, after removal of the material all disturbed areas will be stabilized, quarterly updates from Zenith Engineering beginning in February as to the progress/completion of the project.

Four in favor, one recused (Faherty).

162 Bedford Street - Abbreviated Notice of Resource Area Delineation - Outback Engineering.

Continued from 11/14/23. Jim Pavlik from Outback Engineering was present for discussion. Chairman Bouchard said he did a site visit with Mr. Pavlik and didn't change any of the wetland flags, and they identified the three isolated pools. Member Yeatts was concerned about one of the areas. In the technical comments from DEP, they asked if any of the isolated vegetated wetlands (IVW) are hydrologically connected to other resource areas. It looked the closest to the big wetland. Mr. Pavlik said in that G-series IVW, they did see standing water, but there's a ridge that comes up about 2-feet before it slopes down toward the larger bordering vegetated wetland (BVW). There was a discussion about the elevations.

Upon a motion made by Member Yeatts, seconded by Member Knox, it was:

Voted: to close the hearing and approve an Order of Resource Area Delineation.

Four in favor, one recused (Faherty).

Vaughan Street (John Paun Memorial Park) - Request for Determination of Applicability - Zenith

Consulting Engineers - removal of 2 existing softball dugouts and fencing, and the construction of 2 new dugouts and fencing. Chairman Bouchard read the legal notice into the record. Nyles Zager from Zenith was present for discussion. The new dugouts will be on the existing gravel. There will be new footings with slab concrete poured. There will be erosion control and the proposal is to not remove any vegetation. Everything will be restabilized with grass or stone dust. Member LeBlanc asked if there were concrete slabs in the existing dugouts. Mr. Zager said there were not. Chairman Bouchard asked if they would be making any changes to the parking areas. Mr. Zager said the parking areas will be staying as is.

Upon a motion made by Member Yeatts, seconded by Member Knox, it was:

Voted: to issue a negative three determination with one condition, that the Agent check the hay bale line.

Unanimous approval.

Golfer's Way, lot 3 - Notice of Intent - Foresight Engineering - proposed construction of a portion of Golfer's Way with associated grading, drainage structures, and clearing within the buffer zone.

Chairman Bouchard read the legal notice into the record. Derek Maksy (property owner) was present for discussion. He explained that the existing driveway to the Lakeville Country Club has deteriorated over the years and instead of replacing it, they went through the process with the Planning Board to do a Form-C subdivision. They are proposing adding an infiltration basin next to the existing drainage basin. The road will have surface drainage, there will be no underground drainage. Member Knox said there had been a DEP technical comment that stated the project appears to be located within an interim well head protection area. Mr. Maksy said they had a public well 48-feet from the clubhouse. Member Knox

thought they should get an opinion from the Board of Health regarding the well. Mr. Maksy said he wasn't here today for the actual house lot itself, it's just to start work on the road. He explained they did put in a new well, 48-feet from the existing well, which is way up near the clubhouse. There was a discussion regarding the well location. Member Chamberlain asked if abutters had been notified. Mr. Maksy said the engineer would have the proof of notification.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to continue to December 12th at 7pm. He will need abutter notifications and comments from the Board of Health.

Unanimous approval.

28 Cross Street - Request for Determination of Applicability - construction of a horse paddock attached to existing barn with development of an adjacent berm. Chairman Bouchard read the legal notice into the record. Meaghan Young (property owner) was present for discussion. Member Knox asked if there had been any changes. Ms. Young said there hadn't. Chairman Bouchard said he had done a site visit and everything looked fine.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to issue a negative three determination with one condition, to call the Agent to check the proposed erosion control.

Discussion: Member Faherty said the delineated wetland photos are of Oakham, Mass. Marissa Seifert, the wetland scientist, apologized and said she must have copied and pasted. Member Faherty said it definitely showed the correct parcel.

Unanimous approval.

12 Fuller Shores Rd - Request for Determination of Applicability - attach a 12x30 deck to front (lake side) of house. Heather Gadde (property owner) and Phil DeRosa (contractor) was present for discussion. Mr. DeRosa said this was a 12x30 pressure treated deck with composite decking and no railing that will be 12' toward the pond. The project is outside the 25' buffer zone. Member Knox said he thought they should just require erosion control. He asked if the sonotubes were going to be hand dug. Mr. DeRosa said yes, there will be no machines. Member Knox asked about the grade from the existing house to the pond. Mr. DeRosa said it was fairly flat so they don't have to worry about anything running down the hill. Member Knox said a roll of silt fence should be put up with the ends wrapped during construction until the sonotubes are stabilized.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:

Voted: to issue a negative three determination with two conditions: that the sonotubes are to be hand dug and the Agent is to check the erosion control.

Unanimous approval.

156 County Street - Request for Determination of Applicability - GPI - addition of three new storage buildings. Garrett Piccirillo from GPI was present for discussion. This is a proposed expansion project for the storage facility at 156 County Street. The new buildings are proposed in the large paved open area. All of the construction is within the existing paved area so there will be no additional impervious areas added to the site. They will be removing the paved walkway behind the office and replacing it with loam and seed. The sheet flow drainage currently drains to an existing catch basin that outlets to a

stormwater pond, and to another above ground pond. They did add a couple of catch basins due to some ponding. There is a septic relocation proposed with this project. The current septic is under the pavement and is being relocated well outside the buffer zone. Member Yeatts questioned the distance from one of the buildings to the closest part of the wetland. Mr. Piccirillo said it was about 48 1/2' to the proposed building and it was 48' to the existing building. He reviewed the pre and post construction watershed areas. Member Knox thought erosion control along the southern edge where the existing pond is would be a wise condition. Member Yeatts asked why a Notice of Intent wasn't filed rather than an RDA. Mr. Piccirillo said he had spoken to Chairman Bouchard and they weren't increasing impervious area and the drainage was identical. The proposed buildings were all within the existing footprint. He said the Board of Health and Zoning have both approved the project. There was a discussion about a Notice of Intent. Member Faherty said he thought the RDA was the appropriate way to go and saw no issue with the RDA. They were improving something that was already there. They were adding roof runoff into the detention instead of having a sheet flow. He thought the project was an overall improvement. Member Knox said he would accept the recommendation to the Planning Board if she wanted them to add a condition to their approval. Member Faherty said there's nothing that says they can't add more than one condition to an RDA. He said most of the things they would condition are already proposed in the project.

Upon a motion made by Member Yeatts, seconded by Member Knox, it was:

Voted: to issue a negative determination with one condition that the Agent is called to check the erosion control prior to the commencement of work.

Unanimous approval.

0 Charlie Road - Discussion and possible vote to accept donated land. Member LeBlanc asked if this property abuts any conservation land. Member Chamberlain said it was a piece of land all by itself. Member Yeatts said it wasn't in their purview to accept land. There was a discussion regarding the property. The Commission decided not to act on 0 Charlie Road.

Meeting Minutes - August 22, 2023.

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

Voted to accept the minutes of August 22, 2023.

Unanimous approval.

Adjournment - (8:50pm)

Upon a motion made by Member Yeatts, seconded by Member Knox, it was:

Voted: to adjourn.

Unanimous approval.