

Town of Lakeville
Conservation Commission
Tuesday December 8, 2020
7:00 pm – Remote meeting

Members present: Chairman Robert Bouchard, Joseph Chamberlain, John LeBlanc, Mark Knox, Josh Faherty, and Nancy Yeatts. This was a remote meeting and recorded by LakeCam.

5 Harding Street- Request for Determination of Applicability (RDA) – Zenith Consulting Engineers. Nyles Zager from Zenith Consulting Engineers was present for discussion. Since Member Yeatts had been in contact with Wildlands Trust on this project, she updated the Commission on the progress. Wildlands Trust has accepted the Conservation restriction with the caveat that the mink cages must be removed. This was not included in the original Order of Conditions. Member Yeatts' spoke with Bob Poillucci, Jamie Bissonnette and Chairman Bouchard regarding her recommendation to file an RDA so there is paperwork when they go in to remove the mink cages. The Conservation restriction being accepted by the Wildlands Trust is contingent on removal of the mink cages. Since Member Yeatts had been pushing Wildlands Trust for over a year, she said that she would be willing to keep an eye on the project for the Conservation Commission. She recommended that if they give a negative determination that they should add a condition that he will give a date that he is going to do the work. Member Knox asked that since Wildlands Trust wanted it to be a condition of an Order of Conditions, should they do an amended Order of Conditions rather than an RDA? Member Yeatts said they just wanted the mink cages out, she didn't think they said it had to be on the Order of Conditions. She thought the RDA would be a quick way without having to go back through DEP. Chairman Bouchard said when they reviewed the project under the Notice of Intent (NOI), they did discuss the removal of the cages, but they did not specify it in the Order of Conditions. There was a brief discussion regarding an RDA. Chairman Bouchard wanted to clarify if machinery would be used to remove the cages. Member Yeatts said she thought they would have to. She said maybe they could add a condition that the smaller the machine, the better. Member LeBlanc said it would be a small rubber track mini excavator that would be used. Member Chamberlain said a few years ago when they talked about getting the mink cages out, the decision was to leave them there because it would cause less disruption of the wetland than to dig them out, they were slowly disappearing through rust and decomposition anyway. Member Yeatts said that Natural Heritage also wanted the cages out.

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

Voted: to issue a negative 3 determination with conditions.

1. The cages are removed with a small rubber track mini excavator only if machinery is necessary.
2. The Agent will be notified of the date the work will be done.

Unanimous approval.

15 South Ave – NOI – Zenith Consulting Engineers. Nyles Zager from Zenith Consulting Engineers, and Chris Chapin (homeowner) were present for discussion. Mr. Zager explained that this project had been discussed on a previous meeting and a positive determination was made and a NOI needed to be filed. They would like to reconstruct the existing two-bedroom dwelling. They will be adding a second floor as well as a 23'x30' garage within the 100' buffer zone of the pond and within the flood zone. A special permit has been granted by the Zoning Board of Appeals for this project. They have proposed some filling within the flood zone so they have compensated by taking away some grading on the side of the building. They are proposing silt sock around the whole south side, east side along Long Pond, and the north side of the property to encompass any work that would be going on to any abutting properties or Long Pond. This project is under the 25% impervious coverage required by Zoning at 20.6%. This is all an existing landscaped area with no vegetation being taken down and would be exempt from Natural Heritage. This property is currently serviced by a tight tank. Chairman Bouchard asked if the proposed garage was going to be on a slab. Mr. Zager said it would be on a foundation to allow for compensatory flood storage. There will be flood vents in the garage. Member Knox asked if there were any changes to the footprint of the house or foundation. Mr. Zager said there is not, everything is going up. There is no excavation being done, it's staying exactly as is. Member Knox inquired if changes were going to be made to the septic. Mr. Zager responded that it would stay as is. Member Knox asked about the existing driveway changes with a proposed garage. Mr. Zager said there really wouldn't be much for changes, it's all a gravel area right now. Member Knox asked if it would stay gravel or if it would be paved. Mr. Zager responded that it would stay gravel. Member Knox asked if they had an area to stock pile material when they excavate the foundation or if it would all be trucked off the site. Mr. Zager said they would have to truck it off site because there is no place to put it. Member Yeatts said when they came for the RDA, a foundation under the existing house was discussed. Did they change their mind? Mr. Chapin said yes. Member Yeatts said there was detail for a dewatering basin but she didn't see a place for it on the plan. Mr. Zager said he did show a detail for it on the plan, but there was no location shown on the plan. He said if you were to pull into the driveway to the right-hand side of the shed, that would be the best area for it, it's the highest point on the site. Chairman Bouchard said when they approve the petition they can make that a condition that a truck be on standby. Mr. Chapin said he had one thing to add, the corner of the house, they're putting in two piers where there is an existing porch that is in the front corner of the home. So that would be the only intrusion into the ground. Member Knox asked if by piers he meant sonotubes. Mr. Chapin said that was correct. Member Knox asked if it would be by hand excavation. Mr. Chapin said that was correct. Member Yeatts asked if that should be included in the work, and how far from the pond would they be doing the excavating for the sonotubes. Chairman Bouchard asked if Mr. Zager could make an addendum to the NOI that says you are going to put those piers in, and in the work description that it includes the house, there is no reference to raising the house to a second floor. Mr. Zager said that doesn't necessarily need to be included since it isn't an earth disturbing activity, but the fact that there is going to be sonotubes installed, then yes, it will be. Chairman Bouchard said he could work with Mr. Zager to revise the work description. Member Knox thought it would be wise to include something to reference any part of the house work, just for the applicant's own piece of mind. To know that nobody can come and stop them because it wasn't included. Mr. Zager asked if the Commission wanted to continue the hearing or if they would rather have an amended filing. Member Knox said he would defer to the Chair, but he would be satisfied with an amendment to reference the sonotubes and some construction work on the house. Chairman

Bouchard agreed an amendment would be fine. Mr. Zager said he was fine with that. Member Chamberlain said he noticed on the WPA Form 3 (Notice of Intent), page 7, neither yes nor no was checked. But under “no” section, there is an “x” for a single-family house. He wondered why the “no” wasn’t checked. Mr. Zager said the “no” should have been checked, it doesn’t need to meet stormwater management. Member Yeatts added, because it’s a single-family house. Mr. Zager said that was correct.

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 all the general conditions for construction, and three additional.

1. Include the work on the house.
2. There will be no stockpiling of materials on site.
3. If the dewatering basin is not adequate, the work will stop and a dewatering truck will be called in.

Unanimous approval.

43D Committee Discussion/Update – Member Knox reminded the members that they would need to meet next Thursday the 17th. Conservation needs to be present to approve the wetland line. The revised plans should be available on the 10th that show the other vernal pool and Rush Pond to be delineated. Member Yeatts asked if the Commission received anything from the peer reviewer on the wetlands. Chairman Bouchard said he hasn’t. Member Knox said that the peer reviewer (Scott Turner) will be present at next week’s meeting.

Meeting Minutes – October 13, 2020

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

Voted: to approve the minutes for the Conservation Commission on the October 13, 2020 meeting with the change to add 2 to the Edgewater Drive section of the meeting.

5 in favor, 1 abstention (Faherty -not present at 10/13/20 meeting).

Adjournment –

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

Voted: to adjourn.

Unanimous approval.