

Town of Lakeville
Conservation Commission
Tuesday March 9, 2021
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.

2 Bedford St. – NOI – Cape & Islands Engineering. The engineer from Cape & Islands Engineering said this property has been developed since the 1960's as a commercial site. The current owner is proposing to redevelop the site for a multi-use commercial building. There are two wetlands near this property, one to the north on the Middleboro town line, and one across Bedford Street. The existing site has approximately 30% of the lot covered with structures and pavement, all of which will be removed. The proposed building will be 8,100sf, multi-use, in two levels. There will be parking around the building and on an upper level to the back of the building. The existing driveways to the north, from Bedford Street is located 6' from the edge of the wetland. They are proposing to keep the two-existing driveways. The closest parking space is 8' from the edge of the wetland while the closest proposed parking space will be about 40' from the wetland. The existing building is 52' from the edge of the wetland while the proposed building will be 49'. The current septic tanks are 20' from the edge of the wetland and will be removed. The new tanks will be located about 140' from the wetland. The leaching field at the back of the property is approximately 60' from the edge of the wetland while the proposed leaching field will be approximately 125'. The property currently does not have any onsite drainage. All surface runoff sheds off the pavement and into the wetland. The proposal does account for drainage. Surface runoff from the upper parking is being collected in stormceptors which provide 80% tss removal and then subsurface leaching the lower parking area because of the separation to groundwater. They are proposing some shallow bioretention or rain gardens. They are also proposing a leaching trench or swale along the north side of the development, the closest area to the wetlands. The roof runoff will be collected by downspouts and directed into subsurface leaching. There is a proposed new water service for fire suppression for domestic use and new utility services for electric and gas to a new facility. The two parking areas are separated with a retaining wall since the back parking lot is going to be elevated about 10' higher than the lower parking. The lower parking lot will be slightly raised from existing grade which allows for some of the subsurface structures and leaching that will be installed. The recycle area dumpster will be located more than 200' away from the wetland. Member Chamberlain inquired about the back parking lot being 10' higher than it is now. The engineer said it will be 10' higher than the lower parking lot. Around the midpoint of the building, the grades are going to be raised by 1 ½ -2 feet. Member Chamberlain asked if there was a reason for the difference in elevation between the forward lot and rear lot. The response was that the septic system is located on the upper parking lot and the test pits show the groundwater at a particular elevation and there needs to be separation of 4' minimum, so they have to raise the grades for septic purposes. Member Chamberlain asked how many cubic yards of fill will be brought in. There was no estimate of how much fill will be brought in. Member Yeatts said none of the abutters in Middleboro were advised about this project. It's right on the Middleboro line and some of the properties are on Tinkham Lane and they were not notified. The Wetlands Protection Act says within 100' and does not specify towns. Member Yeatts said most of the wetland is in Middleboro and she thought they should have plans sent to Middleboro through Planning and

Conservation Commission to see if they have any comments. She also mentioned there was no plan for demolition and asked if there was a 21E done. There was a mechanic that had the garage on the back half of the property for many years. A 21E would cover what has leached into the soil from that operation. Chairman Bouchard asked if a 21E would be out of their jurisdiction. Member Yeatts replied that she thought they needed to know what the soils are, if they're going to leach into the ground or the material is going to be taken out and replaced. There were cars parked and stored out there, so how close were they to the wetland. Member Chamberlain said a 21E hazardous waste site assessment test is part of wetlands. The Commission can ask for that. The engineer said he had no information that a 21E had been done. He said the garage is approximately 140' from the edge of the wetland. The placement of the garage on the lot is outside of jurisdiction. The garage has been demolished, so the building department has already issued demolition permits for both buildings and the structures are no longer on site. On the set of plans that was submitted, the second sheet shows the demolition of the structures and some of the pavement areas that are being removed. It shows erosion and sedimentation control to protect the wetland. Member Yeatts asked about the straw wattles, she said on the plan, it looks more like a composted filter sock. She also asked if there was a public well on site. Chairman Bouchard said there was a well on site prior to demolition. It was shared by the two businesses, the restaurant and the garage. It was a public water supply, monitored monthly up until a few years ago. Nothing of significance showed up as far as pollutants. Member Yeatts asked that a copy of the plans go to Middleboro Planning Board and Conservation so they can comment, and that all abutters within 100' of the project be notified. Member Chamberlain asked if Chairman Bouchard had signed off on the demolition. Chairman Bouchard responded he had not. Member Yeatts asked about the stormwater report. She said it was extensive and thought they needed a peer review. She was happy they were moving the septic system away from the wetland. Member Faherty said that 21E's are usually done with a transfer but he didn't think this was a transfer. Chairman Bouchard said it was not. Member Faherty said he thought there should be a 21E done. Member Knox said he noticed the lot coverage was 20% more than was allowed and said they probably thought the Planning Board would grant the 2 density bonuses. The second density bonus is based on a beautiful landscape, and it appears they are calling pavement landscape. He didn't think the Planning Board would grant that. The engineer said they had contact with the Planning Board and it is believed that the development can meet those two waivers to reach the 70% lot coverage. He also wanted to point out that the well on the site will not be reused, it will be abandoned and water service will be municipal. On the straw wattles, they did not have a preference they could do either. There was a brief discussion about lot coverage. Chairman Bouchard said he thought they should hold off on any kind of approvals until everyone else has their input. Member Yeatts asked if they had approval for the municipal water. The engineer said they had not reached out yet. Member LeBlanc asked if there was a DEP procedure for decommissioning a public water supply. Chairman Bouchard replied that there was a procedure for abandoning a well, and once abandoned, you can't go back.

Upon a motion made by Member LeBlanc, seconded by Member Yeatts (with discussion), it was:

Voted: to continue to March 23rd at 7pm.

Discussion: Member Yeatts wanted to make it clear that paper and electronic copies should be sent to Middleboro Planning Board and Conservation. The engineer asked if the Commission was looking for a 21E. He did not think the applicant would be doing a 21E on this site. Chairman Bouchard said he didn't think the Commission had the authority to have them do one, but if one had been done, they would like the opportunity to review it. Member Yeatts said then some type of soil sampling from there to figure out what is in the soils and that it's taken out so it doesn't leach into the ground. Chairman Bouchard

said if it was in the buffer zone, but what they are talking about now is outside, but he wasn't sure about the back side of the garage, if there were wetlands there. Chairman Bouchard said they could continue to the 23rd and if that isn't enough time they can extend it at the applicant's request. Member Yeatts said it probably won't be enough time for a peer review. Chairman Bouchard was not 100% sold on a peer review. Member Yeatts asked if he wanted to wait and see what Middleboro says. Chairman Bouchard replied yes. Member Knox added that if they request a peer review they should be specific with the disciplines they want reviewed.

Unanimous approval.

84 Howland Rd - RDA – GAF Engineering. Brian Grady from GAF was present for discussion. This is for a septic upgrade. The existing septic system will be replaced in the same location. The tank will be pumped and excavated and the existing leaching area will be excavated and removed and disposed of off-site. The septic tank location is approximately 70' from a wetland. The leaching field is just outside of the 100' buffer zone but there will be some disturbance in the area accessing the yard from the driveway. Member Yeatts asked if the siltation was in order. Mr. Grady said they were not indicating any erosion control due to the distances from the wetland. Member Yeatts asked the distance from wetland area to the left to the septic tank. Mr. Grady answered that it was about 75' from the tank to the wetland. Member Chamberlain asked if the area between the two was vegetated. Mr. Grady said there was a lawn area to the existing tree line and then woods. There won't be any mounding of material that would cause erosion. The slope is very shallow and it's vegetated. There was a brief discussion whether this was an RDA or an NOI. Mr. Grady said it was an RDA. They have filed a WPA Form 1.

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

Voted: to issue a negative 3 determination with no conditions.

Unanimous approval.

26 Mill St. - Chairman Bouchard updated the Commission that this was a project that has been going on for some time. It was originally a violation for some work in the wetlands and some fill that was added. There has been a significant improvement and some of the grass is coming in where the sandy fill was brought in. Prime Engineering has been overseeing the project and they should be done with all the required work by this summer and then they should be able to sign off.

81 Southworth St. - RDA -Poirier. Chris Poirier explained the project. They are planning to put in a 15x30' swimming pool in their backyard. There will be 1,100sf of stamped concrete patio around the pool. The location of the pool will be between the house and the existing shed. All work would be within the 100' buffer zone, but would not be within 25'. Chairman Bouchard said there was a NOI filed originally when the lots were divided. He asked if the fence to the back of the property was going to stay or be removed. Mr. Poirier said the existing fence would stay. Chairman Bouchard asked how many truckloads would be coming and going. Mr. Poirier said the estimate he had was at least 1 truckload out and then will depend on the quality of the soil. There will be crushed stone and sand coming in but the amount is currently unknown. Member Yeatts asked if Chairman Bouchard had requested the RDA. He replied that it was border line and could have either been an RDA or an NOI. Looking at the topography and materials surrounding it, and proximity to the house, he considered everything and couldn't see any significant impact to the project, which is why he requested an RDA.

Member Yeatts said on the plan it shows a silt fence. Or is it a real fence. Chairman Bouchard said there is a wire fence on the back side of the property. They will need to re-install the silt fence if the Commission requires it. Member Yeatts said the salt system that they were going to install behind the shed was pretty close to the 25' line. Her concern is that they had a problem with another salt system getting into the wetland. She asked if something was going behind the shed. Mr. Poirier said that was their initial thought, was to place the salt system behind the shed. It would still be outside the 25' boundary. Member LeBlanc said it was a cartridge filter, so there's no blow off from the filter, you change the cartridge and you have to clean the filter. The salt system is a different way to treat the water, instead of chlorine. There is no salt entering the ground. Member Yeatts thought there was too much work being done to do an RDA. Chairman Bouchard said he has been requiring notification of the office on this type of thing, and he is going out to each site. Member Knox asked what the grading was like where the pool is proposed. Chairman Bouchard said it was relatively flat, it did have a slope to it from the back side. Member Knox asked how deep the excavation would be and how high is the water table relating to the depth of the pool. Mr. Poirier said it was a fiberglass pool and was about 5-6' deep. There will be a fiberglass shell installed. He was unsure of the height of the water table, but it potentially could be high since there are wetlands in the back. He was told by the pool company that the fiberglass shell installed and filled with water is not going to move. Member Knox asked what the finished elevation of the pool deck compared to the average height of the wetlands. Mr. Poirier thought it would be a few feet. The backyard is fairly level and those drop off a couple of feet to the wetlands. Member Chamberlain thought there should be some serious conditioning on this, not only because it's a large lot, but because it barely meets the 50,000 contiguous feet of upland that the Planning Board requires. Chairman Bouchard said he would see to it that the conditions are spelled out in as much detail to include all things that were discussed. Member Yeatts said they would have to vote on the conditions and what would Chairman Bouchard suggest. There was a brief discussion about conditions and the water table.

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

Voted: to continue until March 23rd at 7:15pm.

Unanimous: approval.

Lakeville Hospital – Order of Conditions. Scott Turner from Environmental Partners was present for discussion. Chairman Bouchard said some revisions were made to the latest Order of Conditions (OOC) provided by Environmental Partners. Mr. Turner said his biggest concern with the project is the wetland restoration area and after they pull out the material from the solid waste disposal area, as well as making sure they are monitoring erosion and sedimentation during construction because of the size of the site. In order to ensure that it is done, language was added regarding how to manage the wetland restoration area plan. He did recommend that Brad Holmes, who has been involved with the project, monitor it. Mr. Turner said he had a discussion with VHB based on a previous discussion with Member Knox to address a few things, and with regards to the plans, one of the things he asked for them to produce is a wetland planting plan for the wetland restoration area.

Member Knox said he needed to leave the meeting to attend a Board of Selectmen's meeting.

Mr. Turner continued by stating that the other area he is concerned about is how they manage the site during construction with regards to erosion and sedimentation control. For sites that are over an acre in size, they do have to file a stormwater pollution prevention plan, they have to file a Notice of Intent under the construction general permit with EPA, and produce a document called a storm water pollution prevention plan. He thought it was important that the SWPPP be prepared before construction starts

and the Commission be able to take a look at it and comment on it and hold them to it. If not, they're going to have to clear that entire site, probably 20 acres of clearing and if it's left barren you have a lot of silt, a lot of dust, and he thought they need to be held accountable for the work that they do there. He said he was comfortable with the stormwater design that was proposed, although there is some additional information he would like VHB to supply regarding one of the infiltration basins. The mounding analysis is too high, so the calculations need to be checked and maybe adjust the basin. He wanted to see that done prior to any decisions being made or added condition that will be resolved as part of the OOC. Chairman Bouchard asked what was the likelihood that they will be able to resolve these by next week. Mr. Turner responded that it depends how motivated they are to close their hearings, but thought they should be able to resolve them pretty quickly. He hoped that within a few days they would come back with responses. There was a brief discussion regarding meeting dates. Member Yeatts had a few questions. On condition 58, she asked Mr. Turner if on the plan of record, does it show specifications on what the dewatering would look like if they needed it, because it is not on the plan, but is there a schematic that shows it, if it should be needed. Mr. Turner said that is typically prepared as part of the Stormwater Pollution Prevention Plan (SWPPP). He said it was really difficult at this phase, at this stage for them to put together a very specific plan about where they are going to locate sedimentation basins, dewatering basins, those types of things simply because their operation changes as they go through construction. On condition 76, she said it makes it look like they can remove the erosion control when they think it's stabilized. She thought it should be removed after they receive a Certificate of Compliance when the Commission says it's stabilized. Member Yeatts asked if they looked at an operation and maintenance plan. Mr. Turner said he did. She asked if he put on the end that's going to be in perpetuity. Mr. Turner said yes, the reason that he's included this as a condition is because of the MS4 permit. That is something that is going to be required of the town for all sites that have storm water best management practices on it going forward. One of the things he has drafted as part of the special permit is to maintain the landscape in perpetuity. They can include it in this, but he thought it was more appropriate for the special permit. Member Yeatts asked if they were going to see the planting plan prior to the 18th. Mr. Turner said they did submit a revised planting plan as part of the last set of plans. The landscape reviewer was trying to develop conditions associated with that, including maintaining the landscape in perpetuity. Member Yeatts said on number 64, she wanted to make sure the whole commission realizes that the wetland scientist, site professional, is going to be working on our behalf. There was a brief discussion about on-site representation on behalf of the town. Mr. Turner said one of the conditions in the special permit that he wrote in was that any cost of representation on behalf of the town is paid for by the developer. If that's a condition that they want to add to this, he can add it. Member Yeatts asked if they could pick who they want for the oversight on the disposal clean up. She thought Brad Holmes would be the best person. Chairman Bouchard said they could give two or three names that would be acceptable. Member LeBlanc said they were kind of defeating the purpose if the developer got to pick. Mr. Turner said it would be the Board's prerogative as to who they want to choose. Member Faherty asked Mr. Turner if they should hold off on their vote until they see the SWPPP. Mr. Turner said they could do it one of two ways. You can request a SWPPP before you close and approve the project. There are some municipalities that do that. He thought it would take them a while to put it together, so if that is what the Board wants, they should let them know now. The other way, what's required is that they file a Notice of Intent, but it's a filing with EPA and they have to do that 14 days prior to construction, and that's when they have to have the SWPPP prepared. You could put a condition in here that says if you choose to approve now and accept the SWPPP later and you could put a condition in here saying that if SWPPP is unacceptable, construction

will not commence until the SWPPP is deemed to be acceptable. However, what that does is puts a lot of pressure on the Commission to approve it. They can't have the SWPPP completely finished because there are requirements of the SWPPP that include naming the construction manager, and personnel who are going to be on the site, and although they know the contracting company, they may not know who exactly those people are. So, if the Board wants to ask for something before this is finished, you might want to ask for a draft SWPPP that is 90% completed. Member Yeatts told Member Faherty that condition 31 is at least two weeks prior to the start of construction, the Applicant shall submit to the Town of Lakeville, actually Conservation Commission it should say, the SWPPP. She asked Mr. Turner if they could make that 1 month before construction starts so they have time. After some discussion, two weeks was changed to two months.

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

Voted to continue until 3/18 at 7pm.

Unanimous approval.

Meeting Minutes – December 8, 2020

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

Voted: to approve the minutes of December 8, 2020.

Unanimous

Master Plan – Member Chamberlain is the representative for the Commission on the Master Plan Committee. He said their next meeting will be on March 17th. They are waiting for some information to be submitted so Member Chamberlain couldn't give the Commission a lot of information yet.

Community Preservation Act - Member Yeatts said she wanted to add to the agenda on the 23rd. She had a meeting with Barbara Mancovsky and Michele MacEachern about putting the Community Preservation Act on the town meeting in the fall. She would like to put on the next meeting, on the 23rd, that they vote to make her the representative for Community Preservation. They need a member of Conservation on the Committee.

Adjournment – (8:30pm)

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

Voted: to adjourn.

Unanimous approval.