

Town of Lakeville
Conservation Commission
Tuesday September 14, 2021

Members Present: Chairman Bob Bouchard, Nancy Yeatts, Joseph Chamberlain, Mark Knox, and John LeBlanc. Absent were: Fred Frodyma and Josh Faherty. This was an in-person meeting and recorded by LakeCam.

162 Bedford St. - Notice of Intent - Prime Engineering. David Santos from Prime was present for discussion. Mr. Santos said this is a proposed six lot subdivision at 162 Bedford Street. This is a Natural Heritage primary estimated habitat area, and they have not heard back from them yet so he wanted to continue the meeting but give a presentation of the project and receive the Commission's comments. This is a 25-acre parcel with some wetlands to the south. There is an existing pond behind an existing home and isolated land subject to flooding in the center of the property, which has been surveyed. They have done the isolated land subject to flooding calculation. It does hold more than a quarter-acre foot of water so it is jurisdictional, but according to the Wetlands Protection Act it does not require a buffer zone. They are doing everything they can to protect it. The parcel will be split into six lots, one of them being the existing 162 Bedford Street property. They are outside the 100-foot buffer with the proposed septs. They are aware that each lot will have to file an NOI individually if there is any work within the 100-foot buffer. There is a proposed retention basin to the southeast of the property. This lot has sandy soils, Windsor and Deerfield soils, which are soil class-A. The proposed retention basin will have enough volume to capture up to the 100-year storm. They are proposing an infiltration basin in the rear that's serviced by a Stormceptor coming off the road. There is a small footprint of development or land disturbance per lot due to being in the Natural Heritage area. They are trying to mitigate any disturbance to stay under the 40-percent that Natural Heritage requires and preserve land for the Eastern Box Turtles, which has been identified as the primary species on site. As far as limiting disturbed area, they are proposing to put split rail fences along what they have determined is the limit of the disruption for these lots. They are also proposing "Conservation Area" signage. A silt fence is proposed for erosion control around all the work areas. Member Yeatts asked about the proposed conservation restriction line. Mr. Santos said they were proposing a conservation restriction area. Natural Heritage was concerned with future homeowner's expansion, so the restriction line proposed would be to prevent future homeowners from crossing that line to do any sort of work. He was unsure if they would need to go as far as a deed restriction. Member Yeatts said the usual policy if a deed restriction is proposed, especially through Natural Heritage, is that you need an entity to hold it. Something like Wildlands Trust. Member Bouchard asked who would be in charge of the maintenance of the fencing. Mr. Santos replied that it would be the homeowner. Member LeBlanc asked if they were proposing transferring control of the property to a conservation trust, the parts of it that have the turtle habitat. Mr. Santos said not at this time. Chairman Bouchard asked if they would be changing the configuration of some of the house lots. Mr. Santos said no, as far as the orientation. As far as individual lots, depending on the foundation of the home and the driveway layouts, there is potential that the grading could change a little bit. If some of the homes are in the 100-foot buffer, they will have to file a Notice of Intent individually. Member Knox said his understanding is the zoning on that property is business zoning, and it appears you are proposing residential. He thought the Commission

would look at it differently if there was no restriction to guarantee residential as opposed to business zone. Would that be a consideration with the covenant? Mr. Santos said he believed it was zoned business/residential right now. Currently, it is a residential property in the front at 162 Bedford Street. Member Knox said the parcel falls under the business zone on the town zoning map. He thought the Commission would look at it differently if potentially businesses could go in each of those lots. Member Yeatts said she thought the Commission could put it in a condition, should something happen, the Commission would want to look at everything again. Member Knox said, if they don't build homes, and you sell those properties, or even if you do build homes and someone comes in and says the underlying zone is business, it doesn't stop somebody from putting a big barn up and running a business out of it. It should be zoned either one or the other. Member Yeatts asked who flagged the wetlands. Mr. Santos said they were flagged by Prime Engineering. Julie Goodwin flagged the wetlands in 2019. Member Yeatts said her concern was from A22 to A40, where the detention basin was. That is a low-lying area from Orchid of Hawaii on both sides of the road. She was very concerned with flooding. Chairman Bouchard said he didn't see evidence of a whole lot of flooding. There were only a couple of places that had standing water. There are some steep slopes and there's potential for runoff. Member Chamberlain said they wondered how much soil removal there was going to be because there's going to be a lot of terrain alteration. A lot of hills are going to be knocked down and the lower points filled in. The initial hill where the driveway is will be knocked down 12-feet. He asked if they came up with any kind of rough estimate of how much material it's going to be. They would want to see a plan that would detail how the siltation controls would keep up with a constantly altering terrain. Member Knox thought they would have a siltation line that would be undisturbed at the outer limits of the work anyway. The isolated land subject to flooding, which the roadway comes in and curls around, it's subject to some flooding and you're changing the grading quite a bit. He asked the difference in elevation from the top of the roadway at the closest point to the isolated land subject to flooding and if they had concerns if it ever flooded beyond those limits, would it become an issue to the road. Or, did they put a culvert as an over spillway. Mr. Santos said they've estimated the elevation of the water at its highest point in this isolated land at 78.9. The top of the road is at 82, and that is at the low point of the road that has catch basins. They are three feet higher and there are catch basins right there. The original thought was that some sort of culvert was needed, but with the soil conditions and low point of the road with the catch basins, they decided against the culvert. They can consider it, but didn't think it was necessary. Member Knox thought it would be good, just in case. If you could, have a spillway between those two lots to get into the wetlands on the other side. Member Chamberlain said there was no evidence of any kind of scouring or washing or anything like that, a deposition of washed soils. He didn't think that with the rain we've had, the isolated land subject to flooding is going to go much beyond where it presently is. It may come up some, but isn't going to go out very much. Chairman Bouchard asked if they were proposing any margin around the isolated area. Mr. Santos said for the restricted area, off the shoulder of the road, they are posting the signs. They have no intention of doing any work beyond the limit. From the shoulder of the road or isolated land subject to flooding there is probably about 20-25' before any work is being done. Member Yeatts asked where the siltation barrier would be. There was a discussion about the siltation barrier. Member Chamberlain said it appears to be an overflow structure at the end of the proposed retention basin. Is that property also part of 162? Mr. Santos said it was. Member Knox asked what was the purpose of leaving the property out on Bedford Street connected with that strip to the subdivision rather than having another lot. Is there not enough room to squeeze in a front yard circle on that? Mr. Santos said in combination, there's not enough

upland area on the side, there's also not enough natural frontage here, so they actually picked the frontage up from Cheryl's Way instead of Bedford Street for that lot. Member Knox said he thought both Conservation and the Planning Board would want to see the drainage calculations looked at by somebody. He asked if they would like the Conservation Commission to start the process of asking for a price for a peer review on the wetland implications and the drainage calculations. There was a brief discussion about a peer review.

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

Voted: to continue 162 Bedford St, Southcoast Redevelopment to the October 12 meeting, and that the Agent will contact Environmental Partners for a peer review for the drainage calculations and wetland flags A21-A43 and the Agent will get back to the owner.

Unanimous approval.

Harold Card property - discussion. Chairman Bouchard asked if all members got copies of the Card property. He asked if there were any thoughts, any discussion on it. Member Chamberlain said we're not going to pay \$140,000 for an isolated lot already attached to conservation property or protected property. Member Knox said the Planning Board had a similar discussion at their last meeting. Because of the singular lot, they did not recommend using that right of first refusal. However, this is part of a bigger parcel that is being developed. There is one ANR lot that was just approved by the Planning Board and they've left space for a roadway going in and they acknowledged that they were coming back to the Planning Board with a subdivision back behind that house lot. Some of the abutters had concerns. It's elevated and wet with a lot of sheet flow that comes down. The Planning Board conditioned the approval of the removal from 61A that it only be that house lot that be removed. So, if the other piece came back, the right for refusal would still be an option on the bigger parcel if they felt there was value. Some of the Planning Board members asked if there was any conservation value to the back property. So, it's probably worth looking into but from the house lot standpoint, he agreed with Member Chamberlain that they can't go around buying house lots. Member LeBlanc asked if the back land was important conservation-wise. Member Chamberlain asked if it was connected to bogs. Member Knox said he was pretty sure they mentioned bogs. Member LeBlanc said if they did decide there was some value, how do they pay for it. Member Chamberlain said that's why there's 187 cities and towns in Massachusetts that have that Community Preservation. That's where the money comes from and you just buy the land and protect it. But we aren't a part of that yet. There was a discussion regarding the property.

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

Voted: to not accept the offer of the property map 18, block 1, lot 2B Montgomery Street issued by Harold Card.

Unanimous approval.

Meeting Minutes -

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

Voted: to approve the meeting minutes for May 25, 2021, June 8, 2021, and July 13, 2021.

Unanimous approval.

New Business - Member Yeatts said she received an email from the Selectmen's office asking if Conservation had been asked about twelve 2,000-gallon propane tanks to be buried in the ground on the former Island Terrace property. Member Chamberlain said he had a discussion with Fire Chief Michael O'Brien. They were trying to figure out if that was even legal to do, and it took him some digging to find out. But, they didn't consider it from the Conservation Commission viewpoint. His question is, did they ever know in the planning of all of that, that they were going to be installing propane storage. There was a discussion about the plan. Member Yeatts said her question is the drinking water. Is it allowed in a Zone-A. Member Knox said if there was anything through wetlands protection it would need to be looked into, and they need to find that out. Chairman Bouchard said he has a meeting with DEP tomorrow.

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

Voted: to have the Chairman and Agent to discuss with DEP and pass on any impact to the permitting authorities.

Unanimous approval.

Old Business -

Site visits - Chairman Bouchard said he looked at two properties with Bob Gray on wetland replication areas. One is 5 Malbone, which Chairman Bouchard said looks fabulous with plenty of new growth. The second is Cross Street. There aren't any plantings, but the grasses are growing in and Bob Gray was satisfied with the progress. Member Chamberlain asked if there was any further activity on 2 Bedford Street. Chairman Bouchard said nothing is going on there. Member Knox said the project hasn't come before the Planning Board yet.

Adjournment - (7:56pm)

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

Voted: to adjourn.

Unanimous approval.