

Town of Lakeville
Conservation Commission
February 22, 2022 7pm

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

14 Rush Pond Rd - NOI - Zenith Consulting Engineers. Rene Gagnon from Zenith was present for discussion. This filing is for a garage addition and septic repair. There is an existing three-bedroom house with a septic out in the back (the eastern corner). They will be replacing that system with a chamber system. They will be adding an attached garage in the buffer zone along with some additional pavement. They have added a concrete block retaining wall to limit the grading further into the buffer zone. They will provide plans for the retaining wall once they are stamped by a structural engineer. Member Chamberlain said he thought the retaining wall initially was going to be terraced. Mr. Gagnon said it is not terraced which makes the retaining wall a little higher. They have added some generic detail since they haven't picked the final product. These walls usually have 18" high blocks and anywhere from 2-5' deep. The concrete will extend into the grade behind it, anywhere from 2-5'. The structural engineer will determine what size blocks will be needed for this particular height and also what type of soils are behind it. Member Chamberlain asked if they sit on a poured concrete base. Mr. Gagnon said its crushed stone. Member Knox asked if it acts as a drainage plane. Mr. Gagnon said it does. The first block is also semi-sunken into the final grade and below that would be crushed stone to provide adequate drainage. They are also proposing some large boulders at the edge of the driveway, between the driveway and the wall. Member Knox said he had one concern which is really outside the Commissions limits, but a fence is shown at the top of the wall. He would recommend that whoever builds the wall make provisions for the fence. As a clarification, it was previously discussed that the height of the wall is a little bit more. When they last talked, they expected two tiers of terrace. It looks like the top of the wall is pretty much still where the top of the flat spot was on the previous plan. It looks like the limits of work are further away from the wetlands at the base of the wall. Mr. Gagnon said he believed that was correct. Member Chamberlain clarified that the terraced wall would push the bottom out some more. There was a brief discussion regarding the engineering details for the wall. Member Knox asked if they would need the engineering details for the wall prior to approval or could they just require it prior to the silt fence being set. Member Chamberlain said he would be somewhat reluctant to approve this without having the detail in hand. Member Yeatts said they could just say that plans for the retaining wall will be provided before work begins. She said she didn't notice before that the lot is only 31,000 square feet. She asked what the percent of coverage was and has the plan been approved by the Board of Health. Mr. Gagnon did not know the lot coverage. He said he believed it had been approved by the Board of Health, but didn't know for sure.

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

Voted: to accept the plan dated February 16.

Unanimous approval.

There was continued discussion regarding the lot coverage. Member Frodyma asked how far away the silt sock was from the wall. He was trying to figure out the procedure. To build a wall heavy equipment will need to be brought in. Mr. Gagnon said if they go with the block wall, they could probably stage the equipment in the driveway and the crane could drop them down where they need to go. Member Chamberlain said that anti-sedimentation and anti-siltation devices should be in position and checked by the Agent before work starts. Mr. Gagnon said that is always the first thing that goes in. Member Frodyma said the garage will have a certain amount of weight associated with it. Does that impact what kind of strength the wall has to have? Mr. Gagnon said it could, and that's where the structural engineer comes in.

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

Voted: to close the hearing and issue an Order of Conditions with all the standard special conditions for construction. Plans for the retaining wall will be provided before work begins.

The Commission would like to be assured of Board of Health approval and add percent coverage to the plan. Lot coverage will not exceed 25%.

Unanimous approval.

113 Staples Shore Rd. - NOI - Zenith Consulting Engineers. Rene Gagnon from Zenith was present for discussion. This is a proposed septic replacement for an existing three-bedroom house. The new septic tank will have an Advantex AX20 treatment system pumped to a bottomless sand filter. The septic will be just under 90' from the surface water supply. There are also wells across the street that are 62' and 87' to the proposed septic system. Member Yeatts asked if the plan had been approved by the Board of Health. Mr. Gagnon said it was, and they received the letter from Natural Heritage. Member Yeatts asked if they were only doing the septic, and the rip-rap was already there. Mr. Gagnon said that was correct. Member Knox asked if they were going to replace the driveway when they were done. Mr. Gagnon thought they were trying to avoid the driveway. Member Chamberlain asked if this was a denitrification system. Mr. Gagnon said it was. There was a brief discussion about the dewatering plan and siltation. Member Chamberlain asked what the lowest elevation was on the plan. Member Yeatts said it looks like around 54 or 55 at the pond. Member Chamberlain asked if the highest elevation on the lot would be 55 or 56, just above the water level. Mr. Gagnon said it was 57 up near the road, so it was between 55 and 57. Member Knox asked if Mr. Gagnon could give an explanation about the system detail on the plan that shows the system with the base at about 57. How deep will they go to put in the bottomless sand filter. Mr. Gagnon said they are building this up above the ground level with a retaining wall. It will get pumped up to the top of the system, which is at about 60. The entire system will be above grade. They will remove topsoil and then build the system above what is there. They will not be excavating down to the water level of the pond. They do not anticipate hitting water when they excavate there. Any dewatering necessary might be for the septic tank and pump chamber. Member Knox said his recommendation would be to have a roll of the silt sock in the detail for the dewatering basin, and on site in case they need it.

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

Voted: to close the hearing and issue an Order of Conditions with standard conditions for construction. Additionally, silt sock material available onsite for the dewatering basin if needed.

Unanimous approval.

Striar property - Member Yeatts said she and Member Frodyma visited the site today. She said the little piece that comes out onto Bedford Street has 175' of frontage. She didn't think it had enough upland to be buildable, and it was very wet. Member Yeatts questioned why the Commission would want the property. It's Wildlands Trust that's asking if the Commission is interested. Member Yeatts said her vote would be no. She didn't see how it could ever be a buildable lot. Member Knox asked if they were offering it to Wildlands Trust because the Commission doesn't want it. Member Yeatts said that it was offered to Wildlands Trust but they don't want it. Member Knox asked what the Commission would be interested in. Would it be acreage, a combination of uplands and wetlands, hiking trails. Member Chamberlain said location, if it's adjacent to other conservation land.

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

Voted: that Member Yeatts can respond to Wildlands Trust stating that the Lakeville Conservation Commission has no interest in that land.

Discussion: Member Faherty asked if there may be other commissions that would be interested in this property, such as Open Space or Park Commission. Member Chamberlain said it remains as open space anyway and he wasn't sure if the Park Commission could do much with it. Member Frodyma questioned if Buzzards Bay Land Trust might be interested, but there has to be a reason why you would want to protect it.

Unanimous approval.

Open Space Residential Development Bylaw - Member Knox said that the Town Planner was working on an Open Space Residential Development Bylaw. He gave as an example: if a developer had a 50-acre parcel that could support 38 house lots. This bylaw would allow them to put 38 houses, but on only half the land. The other half of the land would be deemed either with a conservation restriction or some other mechanism, but would not go into a homeowner's association, to guarantee that it wouldn't be developed. He wanted feedback from the Commission if this is something they would be interested in supporting. Member Chamberlain said that's an idea that came out of the 70's, the so-called cluster development. Member Yeatts said it was long overdue. Member Knox said it seems like a good opportunity for the town to protect some open space, as well as the benefit to the developer. He would only have to put in half the roadway to put in that many houses and the utilities wouldn't be as great. There probably wouldn't be any loss in revenue, and in turn the town would get half the land to be undeveloped. Member Yeatts said she would only like to see it on large tracts. She didn't think it would work on something like 20-acres. If you have 50-acres, then there is 25-acres they can use and have trails and walk on. Then what kind of land is it? You have to be careful they aren't building the houses on the upland and the wetlands they're going to save on the side. Member Knox said the wetland doesn't count. It has to be only the buildable portion. What they can prove they can build on is only the portion that accounts towards the development. They can't say there's 25-acres of wet and 25-acres of uplands, so they're going to develop the 25-acres of uplands and leave you the swamp. They would only be able to use the developable area for that metric. Member Frodyma asked if that was in the town's Master Plan. Member Knox said it was. Member Chamberlain asked what mechanism exists to protect that protected land. What ends up happening is a few people in the residential part of the property, tend to use it to it's maximum. For example, one family has dirt bikes, you know what happens to the 25-acres. Member Knox said they're putting restrictions in part of the rules and regulations, no motorized vehicles. Member Chamberlain asked what the rules and regulations were and how are they enforced. Member Knox said no motorized vehicles would be allowed on the conservation restriction.

He said this is why he's bringing it up now, he'd love to have the input of the Commission. Once they have a suitable draft, he would like to circulate it to the Commission to add comment. He said Member Chamberlain brought up a good point, and it's already been sort of talked about because those are concerns. Everyone is already concerned that someone will be able to pull this out of whatever mechanism is supposed to protect it. That is why they wouldn't let them do a homeowner's association, because it isn't as restrictive as a conservation restriction. Member Yeatts said Article 97 land takes an act of legislature to get it out. If it has a really firm conservation restriction, she thought it could be classified as Chapter 97 land. Member Faherty asked if they had talked about a minimum size for these lots. Member Knox said there was nothing in stone, but it depends on if there is a public water supply or not. Lakeville relies on private wells and private septic systems, so in that case, they were looking at a minimum of 30,000 square feet. If there was public water, down to 20,000 since you don't have to hit the well radiuses like with private wells. The Board hasn't voted on anything yet, but that's what has kind of been proposed in a draft that they have looked at. Member Chamberlain asked if this kind of development would end up with the use of a so-called package septic system that handles all the houses. Member Knox said it could be. He thought that would be driven by the developer. It may be more cost effective to put in one system rather than 15 or 20 individual systems. Member Faherty asked if there was any way to say what is restricted and what isn't on the lot. To try to keep together some of the bigger pieces that are restricted. Member Knox said he thought the goal would be to get one large or somewhat contiguous piece saved. Member Faherty said if there were two developers and they both have a 50-acre lot. They're going to save 25-acres apiece and if they could get those two 25-acres next to each other instead of on the outsides of each other, try to keep bigger pieces. Member Knox said it would be easier if they were trying to permit each project at the same time. But, if they were five years apart and the first one went through and you didn't know the second one was coming it would be tough to claim for that.

Adjournment (7:58pm)

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

Voted: to adjourn.

Unanimous approval.