

Town of Lakeville  
Conservation Commission  
June 28, 2022 8pm

Members present: Chairman Bob Bouchard, Joseph Chamberlain, Mark Knox, Nancy Yeatts, Fred Frodyma, John LeBlanc, and Josh Faherty. Chairman Bouchard called the meeting to order at 7pm. This meeting was recorded by LakeCam.

**8 Paul Ave** - NOI - Prime Engineering. Chairman Bouchard read the legal notice into the record. David Santos from Prime Engineering was present for discussion. The applicant (Gary Amaral, Greco Construction), is proposing to construct a four-foot sea wall along the shore the length of the property. This project will also include stairs. The wall will be masonry block and backfilled behind, loamed and seeded. Chairman Bouchard asked if they were going to be taking any of the existing stonework off-site. Mr. Santos said it would be removed but wasn't sure if it would be taken off-site. Member Knox said it looked like a lot of the work will be done in the resource area. He felt they should move the wall back two-feet so that they would be working outside the resource area to lessen the impact. Member LeBlanc asked what was the protection for the lake with this project, because they're actually digging in the water. Mr. Santos said they would have to some type of floats with silt barrier to protect from any sediment. Member LeBlanc asked if he had any specs on that. Mr. Santos said he did not, but they could provide that. Member Chamberlain asked if they were aware of winter ice and walls. He said it wasn't the problem that it used to be, but this is not a mortar wall. Member Yeatts asked if a Chapter 91 license was needed to work in the water. Member LeBlanc said you don't need a 91, but there's a 91A that protects the whole waterfront and dock. He asked if the applicant had applied to DEP. Mr. Santos responded that they had. Member Yeatts said the Notice of Intent is a wetlands and waterways. Was there anything extra to DEP, this isn't a Chapter 91A form. This is pretty extensive in the water, so we either have to move it back or you wouldn't be able to do this until there was a water level drop. Chairman Bouchard asked how old the existing wall was. Mr. Santos did not know. Member Knox said the existing is basically a rip-rap bank. Mr. Santos said it was. Member Yeatts asked if there was a DEP number yet. Mr. Santos said not that he knew of. Chairman Bouchard asked if the Commission wanted to close the hearing or continue. Member LeBlanc said he didn't think they had enough information to make a decision. Member Knox said he didn't think they should close the hearing, that it should be continued. He did think considering moving the wall back would be wise not only because of work in the resource area, but the flood portion of it, you're taking up and filling in a volume that's going to push somewhere else if you go right to the water's edge. If you pulled it back, at least you're maybe displacing it upwards but not to someone else's property. Member LeBlanc asked how far they would have to pull it back to get out of the water. Member Knox said it's a pretty steep bank. Mr. Santos said with a two-foot work area, they could provide a plan with edge of water. Member Knox said they should add whatever they propose for their siltation barrier. Member Yeatts said to also talk to DEP to see if they would need a Chapter 91A. Member LeBlanc explained that it was an application that goes to DEP for a dock, but he believed it covers the waterfront too. Member Faherty said if they didn't take the recommendation of moving it back, it looks like from this figure they're at the toe of the rip rap in the diagram, it looks like they're further than the rip rap. He would like to see it at the toe and not further.

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

Voted: to continue 8 Paul Avenue retaining wall plan, the Notice of Intent until the July 12<sup>th</sup> meeting at 7pm.  
Unanimous approval.

**7 Woodview Drive** - NOI - Zenith Engineering. Nyles Zager from Zenith was present for discussion. Chairman Bouchard read the legal notice into the record. Mr. Zager said that this was a simple septic repair on a good-sized piece of property. There are wetlands on the rear of the property. The existing system is located in the rear of the house. The work will be in a small portion of a Zone A, there's no elevation demonstrated with that. What they have proposed is a septic system with a 1,500 gallon two-compartment septic tank with a 1,000-gallon pump chamber as well as 40 Infiltrator Quick 4 chambers that will be mounded out of the ground a little. The grade drops down a little from the back of the house to the wetland, so it will be a fairly flat back yard and then it will drop off through the wetland. They were able to get over 50-feet with the septic system itself, which is a Title 5 requirement. All the tanks that are proposed are H-20 monolithic. They will have a silt sock and dewatering basin. There was a brief discussion regarding the site. Member Knox asked if the old system was generally in the same location or nearby the proposed location. Mr. Zager said that was correct. Member Knox asked if some of the material will be removed and then better material added, and a higher elevation for the new system. Mr. Zager said yes, and that both of the tanks will be replaced. The current tanks are partially in the water table that requires them to be H-20 for buoyancy purposes as well as monolithic, which means it's a one pour so there are less seams. The only seam will be where the riser hits the top of the tank. It will be sealed with hydraulic cement, silicone, or rubber gaskets. The cover also has a rubber gasket to ensure that it's watertight. Member Knox asked that other than re-grading, is all of your work outside of 50-feet from the wetland line. Mr. Zager answered that he would have been able to get all of it outside the 50 if it wasn't for the flood zone. Member Yeatts asked if they were seeding all the way back to the hay bale line. Mr. Zager said they were. He also mentioned that because the septic system was in the buffer zone, the system has a binder around it that minimizes the grading.

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 conditions.  
Unanimous approval.

**Goat Island** - Chairman Bouchard said someone called from an attorney's office and was complaining that she observed activity on Goat Island. Specifically, a backhoe, a small orange Kubota type that was strapped to a pontoon boat and floated out to the island. They were doing some site work. He said 10 or 12 years ago there was a problem on the island. They wanted to build a pavilion on the island, but the Commission stopped them. This is the same owner. Pictures were taken by some residents that show the backhoe sitting on a boat. Chairman Bouchard went out to the island and could see that the slope has been reworked. It appears they want to put in a removable dock. There has been no permit issued. A letter asking the owner to contact the Conservation office was sent out. If the owners don't respond to the letter, we will take it to the next step. Chairman Bouchard said it looks like work has been done on the north side of the island, but they couldn't get there because of the rocks. There's only one small opening on the island where you can actually get on the island. Not only is this a violation of the Wetlands Protection Act, because the entire island is in the buffer zone, but Long Pond is a public water supply. He called DEP but was a little disappointed in their reaction. They said it was a local problem and the Commission should handle it.

**2 Bedford St.** - Chairman Bouchard said a letter was received regarding 2 Bedford St. without a whole lot of information but stating they reviewed the project and want to downsize. They will reduce the size of the impervious cover by 10%. Member Knox said the plan sent to the Planning Board was much different than the first plan. There wasn't an elevated parking lot in the back, it was very scaled back. Chairman Bouchard asked if the Commission wanted to consider having a peer review give it a second look. Member Yeatts said we would have to approve the current plan, so they need to come before Conservation too. Member Knox said he thought they should just be told to file and get on the agenda. It's a significant improvement and is significantly different than the first plan. There is much more green space, much more growing area because that was a requirement needed for the density bonus. Chairman Bouchard asked if they said anything about who the tenant would be. Member Knox responded that he thought there were at least three rental spaces, with one prospective tenant called North Star Mechanical. The first space closest to Bedford St. is going to be a restaurant. He didn't think there was a tenant, but thought it was being designed as a restaurant on speculation that he will get a restaurant tenant. Member Faherty asked if there had been talk of looping Middleboro in. Member Yeatts added that it was a new plan, and the wetland is in Middleboro. Member Yeatts thought they wouldn't need to file another whole NOI, but an Amended Order of Conditions could be done. In the first plan, they were almost exceeding the density bonus according to Member Knox. They were at or over 70% lot coverage and they had no landscaping at all. It's a requirement for 60 to 70% lot coverage to have landscaping. With the first plan, they went right to 70%. The building was okay, but there were no trees on the site, it was either pavement or existing edges. They came back with a nice plan with landscaping. Member Faherty thought the Commission had asked about a 21E for the garage in the back. Both Members Chamberlain and Yeatts said they had brought that up early on. Member Knox believed they were going to be tied into town water, so the existing well was to be decommissioned and filled in.

**Beech Tree Drive** - Member Yeatts said that someone had called in regards to a wetland on Beech Tree Drive. She went to the site and it looked like the property owners were not only dumping into the wetland, but storing things in the wetland. Member Yeatts passed around photos of a fuel tank, jet skis, and a snow plow stored in the wetland and grass clippings dumped in the wetland. She said there was a large pile of gravel that was half in the road. It has since been pushed off, closer to the wetland. She thought the Fire Chief had told them to move it since emergency vehicles couldn't get down there. She also felt an Enforcement Order should be sent. Chairman Bouchard said he would prefer to send a notice first, giving the chance to clean it up. Member LeBlanc agreed, give a date and a time to have it all done. Member Knox thought it would be reasonable to give one week. Member Yeatts asked what if he goes in with an excavator to pull it out. The whole idea of an Enforcement Order is that he needs to tell the Commission how he's going to clean it up without doing any other damage to the wetland. There was discussion about a possible Enforcement Order. Member Faherty said he thought the owner needed to come before the Commission and explain how he was going to remove it without destroying the resource. Member Knox asked if Chairman Bouchard would be able to go out to the site as the Agent and talk to the owner. Member LeBlanc said there should be a paper trail. Call or talk to the owner first but then back it up with a letter. Member Knox thought they should leave it up to Chairman Bouchard to address this as he sees fit and give him the authority to write an Enforcement Order. But if he feels he can get it resolved in a proper manner and in a reasonable amount of time, do that either through direct contact or letter. Chairman Bouchard said he would be more comfortable with that approach since it wasn't an imminent hazard. He would prefer to take the soft approach to begin with, give him a time frame. Member Yeatts asked Chairman Bouchard to make sure that he explains how

he's going to get it out of there. Chairman Bouchard said since Member Yeatts brought an Enforcement Order, why don't they sign it in case he needs it. There was a brief discussion regarding what was parked in the wetland. Chairman Bouchard said there is also work being done on the house, which is in the buffer zone.

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

Voted: to give Chairman Bouchard, as the Agent, the authority to address this situation as needed to enforce and rectify the issues on site of these violations (8 Beech Tree).

Unanimous approval.

#### **Meeting Minutes -**

- April 20, 2022

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

Voted: to approve the Select Board joint meeting minutes for April 20, 2022 as drafted.

Unanimous approval.

- March 29, 2022

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

Voted: to approve the March 29, 2022 Conservation Commission meeting minutes as drafted.

Unanimous approval.

Adjournment - (8:52pm)

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

Voted: to adjourn.

Unanimous approval.