

Town of Lakeville
Conservation Commission
July 26, 2022 7pm.

Members present: Chairman Robert Bouchard, Mark Knox, Joseph Chamberlain, Nancy Yeatts, Fred Frodyma. Members absent: John LeBlanc, Josh Faherty. Chairman Bouchard called the meeting to order at 7pm.

8 Paul Ave - NOI - Greco Construction (continued). David Santos from Prime Engineering was present for discussion. Chairman Bouchard said the Commission had received the changes that were made. He asked if the changes to the project were significant. Mr. Santos answered that the changes just reflected what was discussed in their first meeting. Chairman Bouchard said it was the Commission's policy not to accept changes unless they were 10-days in advance. He wanted the Commission's input, if they should honor that or vote to accept. Member Chamberlain said he would like to look at the plan. Member Yeatts said she thought since the plan came in this morning, it's not acceptable. Chairman Bouchard said these were changes the Commission had asked for. Member Knox thought they should vote to accept the plan for discussion. Even if it's not for approval, to give Board members more time if they want it. But, he thought they should discuss the plan tonight. Member Frodyma agreed, if the changes that were made were changes requested by the Commission, then they should know what they are.

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

Voted: to accept the revised plan accepted on July 26, 2022 for 8 Paul Ave.

Four in favor, one opposed (Yeatts).

Mr. Santos said at the last meeting they discussed taking the seawall and moving it away from the water's edge by several feet. They have pulled the wall 2-feet off the normal edge of water. That change has been reflected on the plan. The last page on the plan shows a filter curtain to mitigate any sediment kicked up during construction. This is a floating filtration curtain. It will be on the surface of the water and will contour down to the bottom of the water bed. This will prevent any sediment and turbidity from going out into Long Pond during construction. Those are the changes that were discussed at the first meeting. Mr. Santos added that they also had gone through all the permitting and corrected the name issue. Member Yeatts asked about notification to Natural Heritage. Mr. Santos said he will have the office double check that. The proposed work is right outside of the water, they moved it back. Member Yeatts said it still looks like it's in the flood zone. Member Knox said on sheet three of the plan, the cross section of the wall shows that they are 2-feet back from what would be the proposed water line. So, it's not that it's out of the flood plain, they've moved it back 2-feet so that there is some dry ground that they would be working on. The bulk of the wall and fill would still be in the flood zone. Member Yeatts asked if the water line was the high-water mark or the low-water mark. Mr. Santos said it was a mean. Member Yeatts asked about water going onto neighboring property. She noticed the wall was not pulled around on the ends. She asked if they had proven they wouldn't be putting water on someone else's property. Mr. Santos responded that because they are 2-feet off the water line, even during a flood situation, the volume of water displaced by the wall would be almost incomprehensible as far as the entire lake is concerned. The existing river stone and rip rap would be put behind the wall

to provide a void behind the wall with pour holes. This would allow any flood water to go beyond the wall and fill voids behind the wall and also drain out. Member Chamberlain asked when they were going to start the project. Mr. Santos was not sure. Chairman Bouchard said he had spoken with the contractor and he mentioned he'd like to see it done in August. Member Knox asked about the ends of the wall. What would they do to stabilize the fill behind the wall to not flow out on the ends. Would they consider turning the wall back in to level grade at the top of the wall. Mr. Santos said that was something they didn't consider, but could consider turning the walls in to prevent any runoff. If not, they would bring in rip rap or river stone so it's not soil. Member Frodyma asked what was there now. Mr. Santos explained it was almost like a rip rap, large stone. Member Frodyma commented that it seemed like an improvement. Chairman Bouchard asked if there were any abutters present. There were no abutters, but the contractor Gary Amaral from Greco Construction was present. Mr. Amaral said he had done this same type of project in Freetown. They will sand bag everything off to get the first block below existing grade. Once the first block is in, everything goes pretty smooth and simple. Member Chamberlain asked if all the machinery would be up top. Mr. Amaral replied that it would. An excavator would be used to lift the blocks up from the top. They will put 6-inches of stone down and rake it level, then set the blocks down. Member Knox asked about the diagram that shows a 4-inch weep hole. Would the blocks be cored or drilled from the manufacturer? Mr. Amaral said they would be core drilled by the manufacturer. Member Knox asked if it was PVC pipe that runs on the back of the wall and they would tee it out. Mr. Amaral explained there would be stone behind the block all the way up so any water will filter through that stone into the perforated pipe. Chairman Bouchard asked what they would do with the stone they remove. Mr. Amaral said they will haul them up, they could put some in the back as fill, the smaller ones, but there are some big stones they would have to hammer up and get out of there. Member Knox said the stone would be about 16 to 18-inches deep with filter fabric separating it. So, there would be retaining wall blocks, stone fill, with a filter fabric barrier, and then a gravel type material to bring it up to grade behind the stone, and then topsoil to seed. He asked about turning the ends of the wall in. Mr. Amaral explained that on one end there was an existing dock or steps, so the intent is to butt into that. On the other side, they would probably have to turn it. There was a discussion about the grade. Member Knox clarified that this is an existing residence, the lawn is currently seeded, the only disturbance is the actual installation of the wall. Mr. Amaral said that was correct. Member Yeatts said she just had concerns with someone working in the pond, that's why she would like to have had Member LeBlanc present at this meeting. Member Chamberlain asked if the dewatering hole or pit was shown on the plan. Mr. Santos said it was not, but they could show the location. Member Yeatts said a letter to Natural Heritage wasn't checked off on the filing. Member Knox said they definitely want to confirm the abutter notices, the receipt of, and if they could show the dewatering location on the plan. Also, show the end of the wall that they are going to return and note where they will tie in to the neighbor's stairs so they know that it doesn't need to be returned. Anything the Commission approves would be pending Natural Heritage approval. He thought they should move to continue until the next meeting. Before starting work, Chairman Bouchard, who is also the Agent, will come out and inspect what has been provided for siltation barrier.

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

Voted: to continue until August 9th at 7pm.

Unanimous approval.

Long Pond Association - NOI - Long Pond Association. Chairman Bouchard read the legal notice into the record. Martha Worley and John Worley were present for discussion. This Notice of Intent is for weed removal. Member Knox said Member Yeatts had some issues with conditions on the NOI and she wanted to look at other towns that did this with ponds. Member Yeatts said they have 3-4 pages from Natural Heritage, they have given us the conditions. She had been worried about writing the Order of Conditions and wanted to see others that had done it, but Natural Heritage made it clear the conditions they want. Member Knox asked if there was a limited time frame that this could be done. Mr. Worley said yes, it's coming up. This is due to turtles, the red bellied cooter. Member Chamberlain asked what they would do with the weeds when they're taken out, would they compost them. Mr. Worley said they would be composted eventually. Ms. Worley said as the weeds dewater, they shrink down to basically nothing and whatever is left you can use for mulch or whatever you want. Member Chamberlain mentioned it could be harrowed into a field. Chairman Bouchard said that had been done successfully.

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

Voted: to close the hearing and issue an Order of Conditions with the conditions forwarded by Natural Heritage.

Unanimous approval.

Beechtree Drive - continued discussion. Chairman Bouchard said there were a number of speakers. Member Yeatts asked if she could be filled in on the site visit. Member Knox gave an update. The Commission viewed the site and some abutters had photos of the flood at that location. It was basically clear cut, no trees at all. It appears the roadway water gets drained off in a little stone rip rap area. There was some gravel that was excavated out and placed behind that. Chairman Bouchard had mentioned to one of the Association members about getting that cleaned up. There are two associations, Huckleberry Knoll is the group that wants to clear a path and the onus was put on them to prove that they have an easement to that property of some sort, a right of way. Chairman Bouchard was going to send a letter that the synopsis of was: tell the Commission what you want to do after you've proven you have the right to do it. Member Yeatts said she was more concerned with original issue, all the stuff in the wetland, like the jet skis. Chairman Bouchard said that has been removed. There was a letter sent out with a number of items to be completed by Mr. Nashawaty, and they have been. Member Knox said Mr. Nashawaty is supposed to come back to the Commission. He wants to potentially alter some drainage and create an area that he can park some stuff in. He was told he would either have to file and RDA or an NOI and come back. Chairman Bouchard said it would help with one of their issues which is parking their boats, jet skis, and everything. Member Yeatts asked how close to the frog pond it was. Chairman Bouchard said it was very close. Member Yeatts explained that they went through a lot years ago about that drainage. Member Chamberlain said there wasn't enough water in the frog pond to bring it up to the level to go through the pipes to the pond. There is more water being displaced on the hill because of the building and paving that was done. Some of it is still going down the stream into the frog pond, but a lot of it's going down the road. The discussion turned to the other issue on Beechtree Drive, the clearing of a path to the pond. Keith Reissfelder from 4 Beechtree Drive was present for discussion. He said that people need to know where their property lines are and base the decision on that. Member Chamberlain said that was what the Chairman said. Before you can do anything, make sure you have a legal use of that right of way. Member Knox said that was the first requirement the Commission put on. Mr. Reissfelder said there's a lot to do before anyone can start

clearing. And what are they allowed to clear. Member Knox said, as far as this Board goes, nothing has been approved. The site visit wasn't to give permission to do anything. It was for the Commission to put their eyes on it and then the Association will have to prove they have the right, and then come to the Commission with a plan for approval. Eric Stanley from 1 Hickory Lane joined the discussion. Member Frodyma asked who was doing the clearing. Mr. Reissfelder said it was the guy from the last meeting, Tom (Loftus). Member Knox said now the Commission is waiting for people to come back to us. Mr. Stanley asked what the decision was on the drainage that was done. Who has to clean up what was dumped? Member Knox said that was the gravel pile behind the stones. Chairman Bouchard said his understanding was Mr. Lens was volunteering to put together a group that was going to handle it. He added that he would like to see a plan that says that. There was a discussion about notifications. Carolyn Richard from 12 & 20 Beechtree Drive was also present for discussion. Her question was how does she know if she's an abutter to 5 & 7 which is the wetlands across the street from 10 & 12. Member Chamberlain said the assessor's office. Ms. Richard said she was trying to be pro-active in knowing if an RDA is going to be asked for. Member Knox wanted to verify that when abutter notifications get sent out for a filing, is it 100-feet. Member Yeatts said yes it was 100-feet. If the filing is an RDA, abutter notification is not required, it's only on a Notice of Intent. Member Chamberlain added that all we need is the proof of mailing, not the green signature cards. Member Knox explained the town website and how residents can sign up for email updates. He asked Ms. Richard about what she was told regarding 5 & 7. She explained that she was told when that land was bought in 2009, it was with the intention of making it a parking area. They were told that they could not do that. Member Yeatts said if anything happens on the other side of the road, it's wetlands, and it needs a Notice of Intent, not an RDA. To have parking or anything over there, it would have to be filled. If you fill in wetlands, you need a Notice of Intent. There was a discussion about the frog pond. Ms. Richard said the frog pond does drain. There are three big pipes, but under those is the original old pipe that drains into a swale. There is also a swale in the tall grass with rocks. Member Chamberlain said he thinks one of the reasons why the frog pond is now basically nothing but soil is the old pipes are doing the job. The big pipes are there for when we get the monstrous rains or lack of maintenance. Ms. Richard said when there is a lot of rain, that whole swale is full. Chairman Bouchard said that's run off from Hickory Lane, the whole hill. There was a discussion about abutter's lists.

Meeting Minutes -

- May 3, 2022

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

Voted: to approve the May 3rd minutes with the changes as noted.

Unanimous approval

- May 24, 2022

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

Voted: to approve the May 24th minutes as drafted.

Four in favor, one abstention (Frodyma).

Kenneth Welch Drive - Member Chamberlain said he drove through the industrial park today. He knew there had been problems with workers parking their cars on the grass along the road. There were 34 cars parked there this morning. Member Knox said this is across from 310 Kenneth Welch in the industrial park, along the edge of the road where the wetlands are. On Thursday the Planning Board

and Zoning Board of Appeals have a joint meeting to discuss this property. It is in front of them for the fourth site plan review in 2 ½ years. The occupants of the property continue to expand their business. What is coming before the Board now is expansion of parking on the Northwest corner, across from the Tracey Imports end of the building and the cranberry bogs, into the railway beds. They're going to add a bunch of parking there. The Planning Board has asked the Town Planner to send a memo to the Select Board requesting "No Parking" signs be put up along the side of the road. They have not heard back yet. There has been an accident in front of the entrance. Since the site plan is coming before the Planning Board, he suggested the Commission send a letter regarding the parking. There's no grass there now. On that side of the road, you're probably within 50' of the wetlands. Member Chamberlain said they are parking on town property, and damaging it. It started with a little bit, and now today, there were 34 cars. Now they're starting to angle their cars in, so they can fit more in. He can't imagine what would happen come winter time, when they have to plow that street. Unless the town is willing to enforce this, it will continue. Member Knox said parking is based on warehouse use, however, it's turned into almost more of like an office or manufacturing. They are trying to make an improvement. He thought they would end up with 120+ spaces when they're done. Member Chamberlain asked how many spaces they currently had. Member Knox responded that they were probably at about 80. Member Chamberlain asked how many people were working in the building. Member Knox said that part of the problem is they seem to be working on the buildings in perpetuity. He wasn't sure if once the construction work is over, if they'll have enough parking. There was continued discussion about trespassing. Member Knox said he would appreciate if the Conservation Commission agreed to send a letter to the Planning Board and/or the Zoning Board of Appeals, or both because they are having a joint meeting Thursday. This applicant is looking for zoning relief to have 3% more lot coverage than the 70% that is allowed. There was a discussion about what the letter should say.

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

Voted: to send a letter to the Planning Board and Zoning Board of Appeals regarding the off-site parking on town property, across from 310 Kenneth Welch. To request that the off-site parking be stopped.

149 Bedford St - Chairman Bouchard said he received a call from the EPA regarding 149 Bedford Street, asking if it had been reviewed and was the Commission concerned about wetlands. He told them there was a Notice of Intent and it went through the process. Chairman Bouchard wondered if they meant 160 Bedford St. He will update the Commission with any further information.

Adjournment - (7:25pm)

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

Voted: to adjourn.

Unanimous approval.