

Town of Lakeville  
Conservation Commission  
September 27, 2022 at 7pm

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

**16 Anderson Way** - continued. Request for Determination of Applicability (RDA) - installation of an inground pool. Chairman Bouchard said this was a continuation of an RDA. Nate St. Yves (homeowner) was present for discussion. They would like to get a permit and begin construction this fall and add a patio in the spring. Chairman Bouchard said all members should have gotten a revised site plan that included some of the information that was requested. The distance to the wetland line, test pit data with location of the water table and location of the silt fence were provided. Member LeBlanc asked how far the wetland is from the stone wall. Chairman Bouchard said the pool would be in excess of 100' away from the wetland. He added that he and Mr. St. Yves taped it off to make sure. The rear of the property is an even greater distance and includes more upland than low lying areas. Member Knox said where the pool is going looks like the highest ground on the property. Mr. St. Yves said he would agree. Member Knox said it looks like they wouldn't hit the water table which was his concern. He suggested showing the plan to the pool installers so they wouldn't damage the dry wells shown on the plan. There was a discussion regarding the silt fence.

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

Voted: to issue a negative 3 determination with a condition that the Agent be called to look at the silt sock before work begins.

Unanimous approval.

**5 Harding & 39 Cross St.** - Order of Conditions Extension SE192-831, Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. Mr. Bissonnette said they were looking for an extension of 3-years on the existing Order of Conditions. He explained that some of the work has started on the project itself. This project has a commercial component and residential component which were filed separately. The residential component had three houses, two of which are well under construction. There was one for the individual lot and then one for the road. This request is for the commercial site off of Harding Street. This parcel broke into two separate projects, one was the commercial project and the other was the turtle nesting area. The commercial site has been completely encapsulated with turtle fencing as per the request of Natural Heritage. It has been inspected by Dan Wells of LEC, who is a biologist. Some of the clearing that needed to take place inside the turtle fence has been completed for the most part. Mr. Bissonnette explained that due to the high cost of raw materials, the metal buildings that the owner was looking to build have doubled or tripled in price and wait times for materials are astronomically long. It has made the project unfeasible so they are waiting for costs to come down. They will still move forward with the project but will need a little more time to complete it. Member Knox asked if the original Order of Conditions called for maintaining the turtle nesting area or if it was separate. Mr. Bissonnette explained that while they are separate, they are kind of keeping them together. They proposed the erosion control on the turtle fence in the same locations. They are both silt fence and turtle

barrier. October 15<sup>th</sup> starts the dormant season for the eastern box turtle. They will need to have it swept again in the spring. Member LeBlanc asked if they had found any turtles. Mr. Bissonnette replied it was his understanding they found no turtles. Member LeBlanc asked if there was a conservation trust. Mr. Bissonnette said there was a conservation restriction on the land beyond the turtle fencing in some of the areas. Wildlands Trust doesn't act as a steward towards the turtles, they make sure the conservation restriction land is not developed or used improperly. Member LeBlanc wanted to disclose that his daughter is building a house on one of the lots so he would abstain from the vote. Member Knox asked if the biologist would continue to return to the site until the commercial site is completed. Mr. Bissonnette explained that it was his understanding that they would have to provide updated reports to Natural Heritage until completion. At that time, they can take the turtle fencing down and get a complete sign off from Natural Heritage. Member Knox wanted clarification on the silt fence for the construction. It's basically a dual purpose because it's also the turtle fence. Mr. Bissonnette said it was. Member Knox said that technically they wouldn't be able to get the Natural Heritage sign off until the construction sign off. The requirement is to keep it until the end of construction. Mr. Bissonnette said they would be looking for both sign offs at the same time. Once everything is stabilized we would come in and petition Natural Heritage at the same time. They wouldn't take it down until they got the green light from both the state and the town. There was more discussion regarding the extension.

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

Voted: to issue a three-year extension on SE192-831 for 5 Harding St. and 39 Cross St. Three years from 10/23/22.

Three in favor, one abstention (LeBlanc)

**8 Old Powder House Rd** - Request for Certificate of Compliance SE192-831 - Collins Engineering. Chairman Bouchard said this was an upgrade to the septic system. He has been out to the site numerous times and is satisfied with the work that's been done. Member Knox read the request letter into the record. Member Yeatts asked if the grass had grown back in. Chairman Bouchard said considering the conditions, it looks pretty good.

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

Voted: to issue a Certificate of Compliance for SE192-831 for 8 Old Powder House Rd.

Unanimous approval.

**Meeting Minutes** - August 3, 2022. Continued.

**Submittal requirements review** - Chairman Bouchard said he started a list of things he thought might need to be refined. He listed some conditions that might show up in a Notice of Intent (NOI): new septic system, upgrades to existing, new residences, in-ground pools, commercial buildings, impacts to the bordering vegetated wetlands, and agricultural exemptions. For RDAs: residential upgrades, above ground pools, residential repairs, partial septic systems and construction. Chairman Bouchard asked if any members thought something needed to be changed, to submit it to the office and he will put everything together in one master list and circulate it for input. Member Yeatts said they had talked about not having to put legal ads in the paper for an RDA. She said when they discussed it, she was alright with not doing that for an RDA, especially since now agendas have to have supporting documentation so people can look at the town calendar and see it. She also liked the idea of all septic systems needing an NOI. Member Knox said he didn't see proof of mailing for an RDA on the requirements. Member Yeatts said

she just remembers it as being in the newspapers. Member Knox said at the last meeting there was opposition to his statement that we shouldn't force a mailing if it's not a requirement. Member Yeatts said under the Wetland Protection Act, an NOI has to be advertised in the paper. Chairman Bouchard said an RDA does not need to be advertised but it has been the Commission's policy. There was continued discussion. Chairman Bouchard had a conversation with DEP and was told that an RDA is used as a screening tool and that if the Commission votes against it, the applicant can appeal by filing an NOI. According to DEP, there should be no conditions on an RDA. Member Yeatts said she had spoken to someone at DEP and was told no more than one or two conditions. If more than one or two conditions are needed, then the filing should be an NOI. Member Knox said the Commission should be a little greener and maybe not require as many full-size sets of plans.

**Letters of interest** - Chairman Bouchard asked if everyone had read the letter of interest for the open seat on the Commission. Member Yeatts said she would like to see a little more diversity on the Board. She was hoping for someone with an environmental background. Chairman Bouchard said he would like to see more than just one applicant. Member Yeatts said she had a call from someone expressing interest in the commission who works for FEMA. However, FEMA felt this would be a conflict of interest. She thought in the future, new members should do some training.

**Betty's Neck Anniversary** - Member Yeatts said there would be a 20<sup>th</sup> Anniversary celebration on October 9<sup>th</sup> at 1pm at Betty's Neck which will feature Wing Masters, which is a bird of prey show.

**Adjournment** - (7:42pm)

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

Voted: to adjourn.

Unanimous approval.