

Town of Lakeville  
Conservation Commission  
November 22, 2022 at 7pm

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

**Staples Shore Rd** - Notice of Intent - removal of trees and brush within 20-feet of Assawompset Pond Dam. Tighe & Bond. Peter Backhaus, an environmental scientist, from Tighe & Bond was present for discussion representing the City of Taunton Water Division. The City of Taunton is the owner of the Assawompset Pond dam and is responsible for operation and maintenance. This is an NOI for tree removal. There was a safety assessment done last year and it was found that the trees on the dam are causing it to be in poor condition. They will be cutting down the trees and brush on the dam embankment and within 20-feet of the embankment. This will bring the dam safety rating from poor to a fair or good condition. There is nothing on the water side of the dam to be removed, nothing rooted in the pond. On the other side there is some forested area toward the west end, and they did say they would be cutting trees there just to be safe, because the tree line goes back and forth. They don't expect much of an impact, they are just looking to catch up on the maintenance and get the dam back to its original safety condition and then maintain it in the future. They are looking to do this work as soon as Middleboro and Lakeville give approval. The trees are going to be brought up onto the dam and chipped and brought off site. Nothing is going to be filled in, and for now, no stump removal. Member Yeatts said she attended the Middleboro Conservation meeting where this project was presented and a site visit has already taken place. Both Middleboro and Lakeville received the same NOI and she would like to see both towns working together on this. She would like to continue the hearing and go to the next Middleboro meeting. She would like an Order of Conditions to be written together with Middleboro. Member Knox said that in section four of the packet provided, under the limited project status it mentioned Massachusetts stream crossing standards. He asked what the stream crossing standards were. Mr. Backhaus said it doesn't apply here, that's just the standard language. It would be if you had a dam with an outlet down the center, but they're not actually crossing the Nemasket River. Member Yeatts said what they would like to see is an operation and maintenance plan going forward. Mr. Backhaus said they were working with Taunton Water Division now on that. Member Yeatts hoped that updating and cleaning everything up would help them because they are still trying to get a dredge permit to get the river flowing. It's a lot of permitting so it won't be this year, it has to go through the Army Corps of Engineers. They may be able to use some of the information or the as-built to help get the dredging permit. Member Chamberlain asked if any abutters were present. None were present. Member Faherty asked about the dam safety rating going from poor to fair with the cutting of vegetation. Mr. Backhaus said it would have

to go through a whole assessment again, but that was the primary thing that lowered all the scores across the board. This was the option they could afford as of right now because it's just removing trees. The plan, if funding becomes available, is to fix up the emergency spillway, rearmor, and they'd also like to regrade some areas that have been washed away.

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

Voted: to continue the Staples Shore Road hearing to December 13<sup>th</sup> at 7pm.

Unanimous approval.

*Documents: Notice of Intent packet*

**348-350 Bedford St** - Request for Determination of Applicability - convert former bank into a brewpub - Outback Engineering. Jim Pavlik from Outback and Shawn and Brian Donnelly from Red Hand Brewing were present for discussion. They are looking for a change of use for the former bank to turn it into a brewpub. There are two wetland resource areas, Assawompset Pond and bordering vegetated wetlands (BVW). There is no proposed earthwork, they're just making a change of use in the building. There will be a small addition at the back of the building, they are enclosing the drive-through, but it's outside the 100-foot buffer. They will be adding some fencing around the dumpster, a wastewater holding tank, and a portable trailer-type toilet facility seasonally. Member Chamberlain asked if the fencing would affect the BVW. Mr. Pavlik said everything is outside the 100-foot buffer. Member Faherty asked if the portable toilet would be pumped or if it would tie into the septic. Mr. Pavlik said it would be pumped. Member Faherty asked what by-products came out of the brewing process and how are they maintained. Brian Donnelly said they do use some caustic acids, but because they are so close to Assawompset they are having a 1,000-gallon wastewater tank installed. All of the wastewater from the brewing process as well as the cleaning process will be pumped into the tank and then taken off-site. Member Chamberlain asked how often the tank will be pumped. Mr. Donnelly said it should last two or three 90-gallon batches, so probably once a month. There are alarms that will alert them when it's close to full.

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

Voted: to issue a negative 3 determination.

Unanimous approval.

*Documents: Request for Determination of Applicability packet.*

**3 Precinct St** - Notice of Intent - septic repair - Zenith Consulting Engineers. Rene Gagnon from Zenith was present for discussion. This is a septic upgrade plan for an existing 3-bedroom house that shares it's parcel with the Lakeville United Church of Christ. There's an existing septic system in the front of the house approximately 70-feet from the wetland on the west side of the property. They would like to move the septic system to the east side of the property. There will be a new tank, new pump chamber,

pump, and new field installed. There is an existing perennial stream and the entire area that will be disturbed is in the riparian zone and within the 100-foot buffer to the wetlands. Member Yeatts asked if this property was on town water. Mr. Gagnon said it was on Taunton water.

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

Voted: to close the hearing and issue the standard Order of Conditions.

Unanimous approval.

*Documents: Notice of Intent packet.*

**22 Montgomery St** - Request for Certificate of Compliance, SE192-767 - Zenith Consulting Engineers. Rene Gagnon from Zenith was present for discussion. He said that for this project, there was an Order issued in 2017. No work was ever done, so the permit expired. In 2022, a second Order was issued without the first one being closed. They would just like to close the old Order so when work starts on the new Order there won't be any confusion.

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

Voted: to issue a Certificate of Compliance for SE192-767, 22 Montgomery Street.

Unanimous approval.

*Documents: Request for Certificate of Compliance.*

**29 & 33 Riverside Drive** - Request for Certificate of Compliance, SE192-805 - Zenith Consulting Engineers. Rene Gagnon from Zenith was present for discussion. The site walk has been done and the site is stabilized. Chairman Bouchard said he walked the site with Jamie Bissonnette and was satisfied with the conditions.

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

Voted: to issue a Certificate of Compliance for 29 & 33 Riverside Drive, DEP #192-805.

Unanimous approval.

*Documents: Request for Certificate of Compliance.*

**Cottage Lane Right-of-Way** - Request for Determination of Applicability - Boutilier - build a wooden deck at the end of the right of way. Amy Boutilier and Attorney Michael O'Shaughnessy were present for discussion. Ms. Boutilier submitted an RDA for six lots on Cottage Lane for a dock that was built in 1990. The dock was removed in September 2021 and they would like to rebuild it back to the way it was. Attorney O'Shaughnessy said the dock was issued a Chapter 91 license in 2009 and is recorded at the registry of deeds. This was an extension of the existing dock. The existing dock went out about 40-feet and had a hammerhead. In 2009, they came before the Commission to extend the dock and get rid of the hammerhead. Member Yeatts said her only concern was Natural Heritage. Attorney O'Shaughnessy explained that the dock is already installed. It was the ramp leading from the land to the dock that was removed. They would like to reinstall the ramp. There would be some work on the land and some in

the water. They want to replace the decking, there will be no pilings. Attorney O'Shaughnessy said it has nothing to do with the dock, it's the decking leading to the dock that they're looking to replace. Member Knox asked what construction method they would be using to build the new deck. Ms. Boutilier supplied photographs of the dock. There would be no digging involved, it's just decking. The end of the ramp will sit on top of the rocks. Member Chamberlain asked who was listed as the property owner of the right-of-way. Ms. Boutilier explained that the right-of-way was deeded to six lots. The McLellans, abutters from 11 Cottage Lane, stated that deck was built illegally in 1990. He said the right-of-way is 5-feet wide and they want a 10x20 replacement deck. They said there is no permit recorded at the registry of deeds. Member Yeatts said that would be a civil matter, the Commission's job is just to protect the resource area. Member Chamberlain noted that the application showed the dimensions would be slightly smaller than what was previously there. Chairman Bouchard said it wasn't the Commission's job to decide whose land it was, it was only to approve or disapprove of the permit to do some repairs. That is what he okayed because of possible safety conditions. He allowed them to remove the existing damaged deck. Magdalene Lague from 9 Cottage Lane said her only concern was storing the pier on the right-of-way. Chairman Bouchard said that should be a practice they regulate themselves. It isn't up to the Commission. There was a brief discussion about what was in the Commission's purview. Attorney O'Shaughnessy said they are just looking for a negative determination so they can restore what was removed. Richard Sasseville from 9 Cottage Lane asked to see the diagram of what was proposed. He asked if it was more than 5-feet. There was a discussion about dimensions and location. Member Chamberlain asked what the original width was of the dock and pier permit. Mr. Sasseville said it was 10x20. Attorney O'Shaughnessy added that the proposed was smaller. The attorney for the McLellans asked about how the dock would be held down to make it safe. Ms. Boutilier said the dock that smashed into the McLellan's dock was the DEP water dock that wasn't augered down enough during a wind storm. It didn't have anything to do with the wooden dock they are trying to build. Member Chamberlain asked what she meant by DEP dock. She explained that it was the Chapter 91 dock that moved, not the wooden deck that was secured to the ground. It was the one in the water. They are licensed for a 60' dock with DEP. Member Faherty asked if it was the 60' section of the dock that damaged the neighboring dock. Ms. Boutilier said it was. Member Faherty followed up by asking how they had remediated that from happening again. Ms. Boutilier explained they had added more equipment and augers and now it hasn't moved. They were told they couldn't connect to the neighboring land so they paid more money and had more work done to secure it more without connecting to the land. Member Yeatts reiterated to the abutters that the Commission was only determining if the proposed plan will hurt the resource area or not. Member Chamberlain added that if they weren't going into the water, not drilling into the water, not pouring new foundation, not excavating; all you're doing is replacing the deck of a dock. He asked Ms. Boutilier if that was what they were asking for. Member Knox said it would be a negative determination in his eyes.

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

Voted: to issue a negative 3 determination with a condition that if anything blows into the water it needs to be immediately taken out.

Unanimous approval.

*Documents: Request for Determination of Applicability, photos.*

**Meeting Minutes:** 8/23/22, 9/13/22, 9/27/22.

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

Voted: to approve the meeting minutes for 8/23/22, 9/13/22, 9/27/22, as corrected.

Unanimous approval.

*Documents: Meeting minutes.*

**Audubon site walk** - Member Yeatts gave a summary of the site walk that took place. She explained that it was 23 acres behind the Middle School that is accessed over the railroad tracks. The Audubon representative was satisfied with how everything looked.

**Adjournment** - (8:06pm)

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

Voted: to adjourn.

Unanimous approval.