

Town of Lakeville
Conservation Commission
March 28, 2023, at 7pm

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

142 County St. - Request for Certificate of Compliance for SE192-780 - Foresight Engineering - continued from March 14th 2023. Chairman Bouchard said he did a site visit a few days ago and was satisfied with the work and recommended approval.

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

Voted: to issue a Certificate of Compliance for 142 County Street, SE192-780.

Unanimous approval.

Documents: WPA Form 8A, request letter, Assessor's information, photos, as-built plan.

119 Hemlock Shore Rd. - Request for Certificate of Compliance for SE192-848 - Janice Pink. Chairman Bouchard said this was a tight tank installation with associated landscaping. He had done several site visits and recommended approval.

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

Voted: to issue a Certificate of Compliance for 119 Hemlock Shore Road, SE192-848

Discussion: Member Yeatts said they did not have an as-built, but one would be submitted after the fact.

Unanimous approval.

Documents: WPA Form 8A.

Rhode Island Rd/Route 79 - Request for Determination of Applicability (RDA) - proposed exploratory borings - Beta. Chairman Bouchard read the legal notice into the record. Elyse Tripp from Beta Group was present for discussion. Ms. Tripp said Beta was working with the Town of Lakeville and MassDOT regarding some improvements that are to be made to Route 79. There are 10 exploratory borings proposed to help the design process for 5 retaining walls. The borings are proposed within the buffer zone, riverfront area, and bordering land subject to flooding. Exploratory borings are usually exempt from the Wetland Protection Act, but there will be some clearing done in the bordering land subject to flooding. Ms. Tripp reviewed the plan with the Commission. Member Chamberlain asked what the size of the drill bit was. Ms. Tripp replied that she wasn't sure of the drill bit size, but they would be going down 25'. Chairman Bouchard said he had gone out with the highway department and inspected all the sites and they are as marked. They are very close to the road and there is very little invasion into the wetland area itself. Member Yeatts said they would need a water quality cert. Ms. Tripp said this RDA is for the actual design but they would be back for the actual work with water quality. Member Faherty asked if this would be a track mounted rig or attached to the back of a truck. Ms. Tripp said that was outside of her expertise. Member Faherty asked if they had plantings in mind for where clearing would take place. Ms. Tripp explained that they wouldn't be taking out any trees or shrubbery. From what she remembered, it was mostly lawn area. She thought it would be mostly putting down some seed. Chairman Bouchard added that

there were a lot of briars and vines. Ms. Tripp said there would be no grubbing. Member Chamberlain said since this is an RDA, you don't have to notify abutters of the work. He mentioned they would probably need a police detail. He said there will be some notification to the neighbors as work is done so they know what is going on.

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

Voted: to issue a negative determination number 2, the work described in the request is within an area subject to protection under the act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent (NOI).

Unanimous approval.

Documents: WPA Form 1 submittal packet.

310 Kenneth Welch Drive - Notice of Intent, increase in parking and wetland replication - Goddard Consulting. Continued from March 14th 2023. Chairman Bouchard said the hearing was opened at the last meeting but the notice was not read due to lack of quorum. He read the legal notice into the record. Andrew Thibault from Goddard Consulting was present for discussion. He explained the DEP file number had not been assigned yet but he would give an overview of the project. This will be a parking lot expansion for the cold storage building. Currently the building is being rented out to three separate tenants. There are about 108 parking spots on the site and they're anticipating 250 employees. What they are proposing is to relocate some parking spaces and pave into a landscaped area. The parking on the top corner of the plan is to be expanded into the available uplands. There are some wetlands that come up and a bordering vegetative wetland in the back. They are proposing a 4,950sf of wetland fill in this area. A wetland replication area plan of 7,500sf has been attached to the NOI. Mr. Thibault said there isn't enough upland on site to do what they need to do. Member Yeatts said they didn't check off land subject to flooding on their submittal. She asked if they were planning to address all the questions that DEP had on the project. Mr. Thibault said they were and copies would be provided to the Commission and DEP. Member Yeatts said she had spoken to DEP and the project hadn't been assigned a file number yet because the storm water plan wasn't signed or stamped. Mr. Thibault said the engineers are finalizing the plan and have been in contact with DEP. Member Yeatts also thought that a peer review was needed, especially for the drainage. There was a brief discussion about the wetland replication plan. Member Yeatts mentioned that DEP also said a perennial stream shows up. Mr. Thibault said that was being looked into. When this was first permitted as the building, it was permitted with an intermittent stream. They are still looking into whether that was an official determination. Member Chamberlain said the erosion control was in the form of silt fencing and straw bales. He said that generally, silt socks are better because it's not introducing more seeds and stuff to the site, and it's a lot easier to take up after. Mr. Thibault said they were very flexible on the erosion control. Member Knox asked what time frame they were looking at from breaking ground to top coat and final landscaping. Mr. Thibault said he didn't know when they would start, but it should be done within a year span, if not less. It's paving, clearing, and planting in phases. He said he would check and that could be addressed at the next meeting. Member Knox thought peer review should cover flood zone impacts as well as siltation and periodic inspections during the project and inspection of the replication. He said the reason he asked about the length of the term of construction was the parking. Currently about 40 cars are parked across the street. This is a problem because it's town property. They have killed all the grass, some is probably about 5' from what looks like wetlands. So, Lakeville is in violation of the Wetlands Protection Act. The building owner and tenants need to be notified. If the Commission calls DEP or files a cease and desist, it goes to the Town of Lakeville. During the actual construction, about 3-4 months, there will be 102 cars kicked out of the parking lot in addition to the

40 or so cars parked across the street. They need to come up with a plan for where they're going to go during construction. Chairman Bouchard asked if they had looked at any kind of temporary solutions for while the construction is going on to mitigate impacts. Mr. Thibault said they can certainly address that. Member Yeatts said not only would they be making a new parking lot, but they'd be working on the two that are currently there. There was a question about grading on one, and about being careful about grading over the existing septic system and that there was a light post that was shown going 5' down into the leaching field. Mr. Thibault said he would look at that in more detail and move it wherever he needed to move it to. Member Chamberlain asked where they would put the snow in the winter. It needs to go somewhere away from the parking spaces and hopefully infiltrate back into the water table without destroying all the plantings that have been put in. Mr. Thibault said he would look into that as well. He asked if the Commission wanted to meet on site to review the wetland delineation or if it would be included in the peer review. Member Yeatts said there are a lot of wetlands and that would probably be part of the peer review. Chairman Bouchard said it would be good to walk the site along with the consultants. There was a brief discussion regarding a previous Order of Conditions when the property included 308 and 310 Kenneth Welch.

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

Voted: to continue the hearing to April 11th at 7pm and in the Commission will look into a phased peer review starting with the wetland part and will give them more time to complete the stormwater.

Unanimous approval.

Documents: Notice of Intent package, site plan.

Residences at LeBaron Hills - Notice of Intent - Phase 5 modification - Outback Engineering - continued from 3/14/23. Jason Youngquist from Outback was present for discussion. This is a modification of phase 5 which is located to the south of the 54-unit building. Currently, the site is a small rise from the road, about 6', and then it's pretty flat, and then drops down 15-20' to the wetlands in the back. That is all fill from when it was a gravel pit. This part of the development is to remove that fill and to build 4 new buildings with associated parking and grading. The drainage has been designed to be subsurface drainage leaching pits, there will be no open basins. Deep sump catch basins to water quality tanks before it goes to the leaching pits and is recharged into the ground water and there are some outlets that go into the wetland. The wetlands were recently flagged by Goddard Consulting. The whole site design went before the Zoning Board of Appeals and was sent out to Beals and Thomas for review. There was one set of comments and the plans were revised and resubmitted. There was a brief discussion about the peer review for Conservation. Mr. Youngquist said that Goddard Consulting was planning to do a site walk if the Commission wanted to meet out there. Member Knox asked what was revised on the plan after the peer review comments. Mr. Youngquist said there were modifications made to the drainage, the drainage calculations, there were changes made to the parking lot to account for an existing mail center, relocating some hydrants and light poles. Member Yeatts asked about the comments from DEP regarding the wetland change areas. Mr. Youngquist said that Goddard had responded to those on their letter dated February 24, 2023. Ms. Yeatts asked that a copy be sent to the Commission.

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

Voted: to continue to April 11th at 7pm.

Unanimous approval.

Documents: Notice of Intent, site plan.

1 Aila Court - Notice of Intent - proposed 3-bedroom home - Zenith Consulting Engineers. Nyles Zager from Zenith was present for discussion. Chairman Bouchard read the legal notice into the record. Member Yeatts said the revised plan just came in today and they need to vote to accept it.

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

Voted: to accept the plan received today for 1 Aila Court.

Unanimous approval.

Mr. Zager said this has been before the Commission before. They had filed an ANRAD with the Commission back in 2020. They were issued an ORAD on the wetland line. Since then they have been Form A approved through the Planning Board and recorded at the Registry of Deeds. In the DEP file number issuance, there was a comment made by DEP that the ORAD is expired. It actually expires early March 2023, but there was an extension due to Covid. The ORAD is still valid, the wetland line is still valid. Mr. Zager said this is a plan for a 3-bedroom single-family home with a garage, with a septic system in the rear of the property and a well in the front. It does meet all the zoning requirements. Perc tests were done. This had been submitted to the Board of Health and the reason for the change is the Health Agent found a mistake on the plan and an adjustment had to be made on the septic system. That plan has been resubmitted to the Board of Health. Member LeBlanc asked what the change was. Mr. Zager said originally the septic system was in the front, but there's a requirement in Title 5 that your septic system needs to be 10' from an open basin, but if it intercepts high ground water it needs to be 50'. Because the bottom of the basin was 6" below the water table, Health Agent Ed Cullen found that it did intercept high groundwater and it needed to be 50'. They could not do that in the front. They had already done percs in the back. The previous design had the reserve area and well way in the back. Now they are pushing the well up to the front, which makes it a better design with less impact. Because of the water table, and because of the close impact, they are proposing a split rail fence with conservation signs around almost the entire limit of work. There was a review of the fencing and conservation sign plan. There was a discussion about the lot. Member Knox asked about an area north of the house, there is a change in elevation. There's no wetland there, but you have what looks like a split rail fence going all the way to the street from there and it's tight to the corner of the house. It seems so close to the house. It's away from the wetland at that point, so is it necessary? Chairman Bouchard asked if there was a stream there. Mr. Zager said there was no stream, it was just a retention basin. He was trying to keep the fence away from the drainage basin so that's why it was pinched down like that. If they could have that area open, it would be better. It's not a deep basin. Member Knox said the purpose of the fence with the signs is for the wetland purpose. He didn't think it was necessary for the fence to go all the way to the road since it would be so close to the house at one point. Mr. Zager said it was 5' from the house. It was up to the Board but they would be amenable to that. Member Chamberlain asked how far away from the property line the split rail fence was. Member Knox said the property line would be North Precinct Street. The house location was the same on the new plan as it was on the old plan. Mr. Zager said nothing had changed as far as the house goes, the only difference in the plans was they flipped the septic and the well. Member Chamberlain said now the well is 13' from the wetland. Mr. Zager said that was correct. Member Yeatts asked where the reserve was. Mr. Zager answered that the reserve was the trenches, you can put a reserve in between the trenches. He explained there was no buffer zone in the well area because it was an isolated wetland, there was no buffer zone associated with it. The only real work within the buffer zone is the septic system. Member Knox asked if the split rail fence went all the way around the septic or if that was siltation

barrier shown on the plan. Mr. Zager pointed out on the plan that the fence went all around the back of the septic system. Member Knox thought the fence line could be brought straight across in one area since it wouldn't be any closer to the wetland. At some point the fence could become an issue and the owners don't want to maintain it and in 10 years it's gone. It's a border that does somewhat contour to the wetlands so it won't be trashed, it will be respected. Member Faherty thought a cleaner looking sign might be better. If it looked nicer, it would be more respected. There was a discussion about signage.

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

Voted: to close the hearing and issue an Order of Conditions with standard conditions for construction when revised plan is received.

Discussion: Member Knox said just to be clear the changes are to the split rail fence and the signage. Mr. Zager asked about revising the detail of the sign on the plan. Member Knox said the fence should be updated and in the meantime Member Faherty will send Chairman Bouchard a design for a sign used in Wareham. Member Yeatts said she liked the idea of the signs and once it's designed, they can use it going forward. Member Knox asked if they were approving or if it would be contingent on the sign. Member LeBlanc suggested adding "to install the approved signs" in the motion. Member Faherty said they could check the signs when they come back for a Certificate of Compliance. Member Knox wanted to make sure everyone was fine with the spacing on the signs. Originally, he had thought 3-4 signs to cover the area. Mr. Zager had mentioned every 30'. Member Yeatts said they could go with what Middleboro does, every 30'. Mr. Zager thought if it was every 30', there would be anywhere from 10-15 signs. Member Knox said every 30-40' would be good. This isn't a park where the public will be coming in. Member LeBlanc asked if they wanted to say every 40'. Member Yeatts said they could do every 35'. Member Yeatts said she would withdraw her motion and start over.

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 the changes described to the fence, to the signs, and to the distance between the signs, which is 35'.
Unanimous approval.

Documents: Notice of Intent, site plan.

308 Kenneth Welch Drive - Notice of Intent - septic upgrade - Zenith Consulting Engineers. Chairman Bouchard read the notice into the record. Nyles Zager from Zenith was present for discussion. Mr. Zager said this is basically just a warehouse. He pointed out the property line and the adjacent bordering vegetated wetland (BVW) that has been delineated. Currently, there's a large septic system up in the front that was servicing this site as well as portions of 310 Kenneth Welch. The 10,000-gallon septic tank and a 10,000-gallon pump chamber were located at 310 and there was a force main that ran down to the existing leach field at 308. Since the property has changed hands, the leaching field is in failure. The owners of 308 have asked the owners of 310 to disconnect from their field. They have agreed to disconnect. Part of this proposal is to disconnect, basically cut off and abandon. They are proposing a new line that comes out with a 1500-gallon two compartment septic tank, a 1000-gallon pump chamber and then a force main that will pump up into a new leaching field. This will be a much smaller system, handling about 10 employees. They did design it for 20 employees and 500 gallons a day, which is more than they need. The proposed plan is about 30' from the tanks to the BVW. They have proposed erosion control that wraps around. Member LeBlanc asked if the Board of Health has approved the plan. Mr. Zager said they had. Member Knox

said the line from the two 10,000-gallon tanks will be disconnected from the failed leaching field. Will they clamp the end of that to stop the water from flowing or has that been tied into a new leaching field. Mr. Zager said that currently they are using the tanks as tight tanks. Member Knox said so that end has already been decommissioned from the tank so water isn't flowing that way currently. Member Chamberlain asked if using the tanks as tight tanks was approved by the Board of Health. Mr. Zager said it was not. Member Knox said they were outside the 25' line and the grades aren't really steep until you get on the wetland edge. Mr. Zager said once you get to the tree line, that's where it drops off to the BVW. Member Knox said the usage at 308 is much lower and that's why you can reduce the tank size, but his concern is flood zone. The tank is at a lower elevation than the field and it's pumping uphill. Is there any risk of pump failure if a flood did come over that? Mr. Zager said these tanks are monolithic H-20 tanks with a watertight gasket. Everything is sealed and watertight. Member Knox said so there really is no flood risk if water covered it for a short period of time. Mr. Zager said that was correct. He said the soils were really good, some of the better soils in the area. The leaching field that is currently there was for a 5000-gallon a day septic system, this one is 500 gallons, its 1/10th of the size. Member Yeatts said there was an outstanding Order of Conditions that goes over the whole property. There was a discussion about the Order of Conditions.

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

Voted: to close the hearing and issue an Order of Conditions on 308 Kenneth Welch Drive, SE192-889 with standard conditions for construction with the additional condition to have the co-existing Order of Conditions that needs a Certificate of Compliance closed out if necessary.

Unanimous approval.

Documents: Notice of Intent, site plan

109 Bedford St. - Notice of Intent - proposed 12-lot residential subdivision - Zenith Consulting Engineers. Nyles Zager from Zenith was present for discussion. This is a 5.5-acre property with a wetland located at the rear of the property. The wetland was flagged by Bob Gray from Sabatia and is denoted by wetland flags 1-7. The site is mostly wooded with a single-family home with associated septic system and water service. The proposal is for 12 single family residential units accessed by a 24' wide access road known as Maple Lane. The homes will be serviced by on-site septic systems and public water supply. The proposed drainage is via deep sump hooded catch basins and drain manholes that will discharge into an infiltration basin. The basin and stormwater system have been designed to handle the 100-year storm, 7" in a 24-hour rainstorm. The only work within the 100' buffer is a small amount of the basin. There is no work proposed within the 50' buffer. The erosion control will basically encompass the whole site to protect the wetland and abutting properties. If approval is given a Stormwater Pollution Protection Plan (SWPPP) will have to be filed with the EPA and the results will be provided to the Commission. This plan has been reviewed by the Zoning Board of Appeals review consultants Beals & Thomas. This plan has addressed their concerns which were minimal. Member Chamberlain asked if the road or driveway was built to the requirements of the Highway Surveyor or will it never become a public way. Mr. Zager replied that it would never become a public way. It will be a private way with a homeowner's association. It meets the standard for the fire apparatus. Member Knox asked about the stormwater peer review. He said the Commission would like to see it and have it for the records. Member Yeatts said she was disappointed it wasn't senior housing. She asked where it stood with the ZBA. Mr. Zager said the meeting was on Thursday and it was the third meeting.

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

Voted: to close the hearing and issue an Order of Conditions for 109 Bedford Street, SE192-890 with the usual standard Order of Conditions with additional: copy of the SWPPP, the snow will not be plowed into the infiltration basin, this condition will be noted in perpetuity on the Certificate of Compliance, and the peer review will be copied to ConCom. This is contingent on ZBA approval.
5 in favor, 1 abstention (LeBlanc).

Approval of Meeting Minutes: 12/13/22, 1/10/23.

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

Voted: to approve the December 13, 2022 minutes of the Conservation Commission as drafted.
Unanimous approval.

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

Voted: to approve the January 10, 2023 minutes of the Conservation Commission as drafted.
Unanimous approval.

Adjournment - (8:57pm)

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

Voted: to adjourn.
Unanimous approval.