

Town of Lakeville
Conservation Commission
July 11, 2023 at 7pm

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

310 Kenneth Welch Drive - Notice of Intent (SE192-891) - Goddard Consulting - continued from 6/13/23. The applicant has requested a continuance to the next meeting on July 25th.

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

Voted: to continue the 310 Kenneth Welch Notice of Intent hearing to July 25th at 7pm.

Unanimous approval.

24 Stetson Street - Notice of Intent (SE192-897) - SFG Associates - septic repair. Chairman Bouchard read the legal notice into the record. Brad Fitzgerald from SFG was present for discussion. This is a septic repair for an existing 4-bedroom house. The proposed system is a new septic tank and pump chamber up to a pipe and stone leach field. At the closest point, the field will be 58' from the southerly bordering vegetated wetland (BVW), about 80' from the other BVW, and 150' from Bates Brook. Because Bates Brook eventually works its way to Assawompset, Title V says it has to have a 200' minimum setback from the brook. They were unable to get that so, they went to the Board of Health and received a local upgrade for it to be less than 200' and less than 100' from the wetland. The finish grading will get to about 40' from the wetland. Prior to the start of work, they will install an erosion control barrier which will surround the work completely. Upon completion it will be loamed and seeded and the erosion control will stay in place until all the grass has taken. Member Chamberlain asked where the location of the settling basin would be, if needed. Mr. Fitzgerald said he did not. Member LeBlanc said it was in the plan notes that it would be located uphill from the erosion control. There was a discussion about accessing the site.

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

Voted: to close the hearing and issue a standard Order of Conditions with an additional condition that prior to the start of work the Agent be notified on how the trucks will access and if needed, change the erosion control barriers.

Unanimous approval.

31 Stetson Street - Notice of Intent (SE192-88) - Foresight Engineering - construction of a single-family home. Chairman Bouchard read the legal notice into the record. Darren Michaelis from Foresight Engineering was present for discussion. They went to the Board of Health back in 2021 to get variances to be within 200' to the tributary. The entire lot is mapped within the tributary area by DEP. They were able to get them to agree to the actual reservoir and the historical connection of the stream going across the street. They went outside the 100' setback of all of that but are within 100' of the irrigation canal. The foundation and well are both existing, and the septic has been completed. The site is completely graded and seeded. The only work left is the driveway and the construction of the house.

They have their DEP number and approval from Natural Heritage. This was a previously disturbed area; the tree line was pretty much pre-existing. This was the existing sand area for the bogs. Member Knox asked if Mr. Michaelis could point out the existing foundation. It appears to be beyond the 200' tributary line. The new leaching field is within it. The next line back was the 100' setback from the body of water and the stream that crosses the road. The septic has been installed. The whole site had been backfilled, graded, and seeded. They are really here after-the-fact. Member Knox asked if the Board of Health had signed off on all the inspections. Mr. Michaelis said they had.

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

Voted: to close the hearing on 31 Stetson Street, SE192-898, with all, even though it's already done, our conditions for construction.

Unanimous approval.

Stowe Estates (35 Myricks Street) - Notice of Intent - Zenith Consulting Engineers - a 3 lot subdivision. Nyles Zager from Zenith was present for discussion. Chairman Bouchard read the legal notice into the record. The existing property is about 11.6 acres with about 10.1 being upland area. The existing topography ranges in elevation from roughly 160 down to 137 near the back. The wetlands are located between wetland flag 111 to wetland flag 141. This property is not located in a flood zone or Natural Heritage Endangered Species area. It's not located in an area of environmental concern, outstanding resource waters, or a Zone-2. There is no surface water supply, streams or rivers within 200' of the property. They won't be working in any riverfront areas or riparian zones. The proposal is for the construction of a 750' long, 20' wide, paved road which will access 3 single family homes. Each home will have it's own septic system and be connected to Taunton Water. The septic systems are all outside the 100' buffer. The only work they are proposing within the 100' buffer zone to the BVW is a small area associated with the roadway, a small amount of pavement, grading and clearing. They will be providing a drainage swale along the side of the road that will convey stormwater from the road to the detention basin. The other work within the 100' buffer is a small portion of the detention basin. They were able to maintain a 50' setback to all wetlands. For the roadway, they are proposing silt sock all along the down gradient side of the project. The silt sock will also be placed at the back of the site where any surface water would potentially be while the site isn't stabilized and discharged off site. The silt sock will be a 10" silt sock that will be blown in. They will provide an anti-tracking pad at the entrance. It's a rip rap pad that they utilize during construction. The pad is 20' wide and 50' long. This does not need to meet stormwater management. Storm management for DEP is anything over 4 lots. However, for good engineering practices, they have to ensure that there's not going to be any downstream impacts or any impacts to abutters including and up to the 100-year storm event. They have designed based on the existing conditions versus the post conditions, and they have to do an analysis of when it's a wooded lot and then when it's cleared. This project has been presented to the Planning Board and sent to Environmental Partners for peer review. Environmental Partners sent back a review letter and this plan reflects the responses. They have since come back with another letter with minor concerns or open issues. Most of these have to do with the waivers for the subdivision that were discussed at the Planning Board meeting. They have a Planning Board meeting scheduled for this Thursday and wanted to bring this in front of the Commission to discuss any concerns, address them, and continue to the next meeting when they can hopefully address all the concerns from the Planning Board and Commission. The current plan reflects concerns from the Fire Chief. He was concerned with how they were going to access the back lot. He had two options, he would require another turn around in the driveway, which would have created a lot more impervious area and a lot more disturbance. Or, he would be okay with a

20' paved full access. They came to agreement on a 20' paved access. Member Knox asked how far they would be from the limit of work to the abutting field. Mr. Zager said it was about 40' from the drainage basin and about 40-50' from the back lot. Member Knox asked how far it was from Myricks Street to the back-lot line. Mr. Zager said it was about 1100'. There was continued discussion about grading. Member Knox asked if there would be less water exiting the property after the project. Mr. Zager said it would be less. Member Chamberlain asked about the roadway. Mr. Zager said the right of way to the property line is 40'. The paved surface will be 20' with grass shoulders. On the right side of the road, it will be a grass swale. That will be the conveyance for the storm water into the drainage basin. Member Yeatts asked who would be responsible for the detention basin. Mr. Zager answered it would be a homeowner's association that would be responsible. Member Yeatts asked where they would be plowing the snow. Mr. Zager explained that the snow would be plowed along the roadway and feathered to the side and plowed to the end of the turnaround. Member Yeatts thought that no snow plowed into the detention basins should be added to the Order of Conditions. Member Knox added that the maintenance of the drainage system in perpetuity should be in the Order of Conditions as well. Chairman Bouchard asked about lot A. Mr. Zager explained that it was completely separate, but they did include it in the drainage analysis. It's not part of this subdivision, it's a form A lot. Member Knox said it was part of this property now, it's not a lot, it's just a parcel. It's the future intent of a neighbor to purchase the lot or merge that with another parcel. Mr. Zager said that was correct.

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

Voted: to continue 35 Myricks Street, SE192-899, to the July 25th meeting at 7pm.

Discussion: Lynn Hagerty from 39 Myricks Street asked for clarification on lot A. Mr. Zager said it was potentially another lot for a home down the road. There's enough frontage to make it a Form A lot, but that would have to go before the Planning Board.

Unanimous approval.

Meeting Minutes - April 25th 2023.

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

Voted: to approve the minutes as drafted for April 25th 2023.

Unanimous approval.

Conservation Bylaw - Member Yeatts wanted to update the Commission on a discussion she had with Building Inspector Nate Darling. He thought the bylaw should be as small as possible, with only a few things on it, and to ratify the Wetland Protection Act itself. If it is ratified within your town, those are the rules you follow. That would enable him to hold a building permit until the project goes through Conservation. Member Faherty said from what he understood about building permits, once an application is received, a determination has to be made on it within 30-days. He thought it would be a good idea for Mr. Darling to attend the next meeting. Member Yeatts said she just wanted to see a 25' no touch and all septic systems need a Notice of Intent. Member Knox said he was opposed to the 25' no touch, unless it was already 100% undisturbed. Member Chamberlain said most of the time it is undisturbed. Member Knox explained that is why he thought the bylaw never passed before. If it's new construction, it's a more valuable habitat if it's undisturbed currently. Member Faherty agreed with Member Knox. If you have someone that's on the pond and they've had a lawn that goes to the pond for the existence of their house, now you're saying you can't put a patio or a concrete walkway to a dock. Member Chamberlain thought it would be something involving square footage. Member Faherty

gave an example of a bylaw from MACC. It was the skeleton framework for how a bylaw should look, it didn't include any regulations. He thought they should talk about getting the skeleton bylaw approved and then come back with a public hearing to create regulations. One regulation could be a 25' no disturb on unaltered property. There was continued discussion. Member Yeatts asked if this agenda item could be kept on upcoming agendas for possible discussion.

Adjournment - (8:08pm)

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

Voted: to adjourn.

Unanimous approval.