

Town of Lakeville
Conservation Commission
August 22, 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.

Ratify vote taken on 8/8/23 on item #5 - Chairman Bouchard said a vote was taken at the last meeting and it was unsure if they were authorized to do so. Member Yeatts said she went back and looked at the tape of the meeting. The vote was about land on Highland Road, which was agenda item number 5 on the last meeting. She said Member Knox had stated he would support the town buying the property if some things were done first. Then Member Faherty had made a motion off of that. She didn't think they were voting to buy the land, only if the town bought it, would they be willing to take it under Conservation. In Member Knox's motion, he mentioned that the property needed some clean up, access and proper easement assured, if it complied with zoning, how it would be maintained. It had also been discussed that there may be a small cost for Wildlands Trust to hold the conservation restriction. Member LeBlanc asked if the Commission would rescind the vote. Chairman Bouchard said they could either rescind the vote or ratify it. There was some continued discussion. Member Knox said he looked at the previous agenda and it wasn't on there. You aren't supposed to take action on something if it wasn't on the agenda. Tonight's action, since it's on the agenda, they have the ability to reaffirm that vote and make it official. Member Yeatts also wanted to make the vote clearer. The Commission decided to hold on this item for now, and return to it later.

310 Kenneth Welch Drive - Notice of Intent (SE192-891), continued from the 8/8/23 meeting. Chairman Bouchard said that the applicant had requested another continuance.

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

Voted: to continue 310 Kenneth Welch Drive with discussion.

Discussion: Member Knox said the wetland scientist was onsite today to look at the wetland line. Building Inspector Nate Darling went on the site walk to represent the town. Members of Conservation we unable to attend. Member Chamberlain said he only received the notification that morning. Member Yeatts asked if they could get new plans since it had been many months now.

Unanimous approval.

13 Main Street - Notice of Intent (SE192-900), Construction of an infiltration basin within 100' of a bordering vegetated wetland. Zenith Consulting Engineers. Chairman Bouchard read the legal notice into the record. Bob Forbes from Zenith was present for discussion. He explained that the project was two apartment buildings with 20 units in each building. The buildings, pavement and parking are all outside the buffer zone. The roof run off will be infiltrated. The back corner of the site has a small section of wetland. Within the 50' buffer, they are proposing some erosion control barrier. A corner of the infiltration basin is proposed within the buffer zone. Mr. Forbes said this project is before the Planning Board and has gone out for review. There were some comments that came back, but none involved the basin. He distributed copies of the review letter. He said when DEP reviewed the filing they noted that there was a stream on the site. However, Mr. Forbes said he was unable to find it. He

did find a small drainage ditch that was completely dry. When route 79 was built, they constructed a detention basin and took a portion of this property. If there was any type of stream, the detention basin blocks it off now. There's no indication of any culvert out there. Member Knox asked if the overflow rip rap from the state's drainage basin, if it overflowed and made its way to the drainage ditch, would it make it into the wetlands? You could argue that what's there is performing a function as a spillway. Mr. Forbes explained the design of the basin as some type of overflow device and some rip rap. He said there was a vernal pool in the middle of the Mary Lou's drive thru. He thought the basin was working as an infiltration basin first, and overflow at some point. There is also a densely vegetated swale. Member Yeatts said the vernal pool was dead and she tried to get them to do paperwork on it, but they didn't want to go through all that. All the creatures have moved into the state's basin. Member Knox said he would like to see the erosion control on the southern side of the new retention basin extended to the 100' line. Mr. Forbes said he had no problem with that, it would create a visual and physical barrier for the contractors.

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 before, during, and after construction conditions, and an additional condition to extend the silt sock on the southern side of the property line of the retention basin to the 100' buffer.

Unanimous approval.

113 Staples Shore Rd. - Notice of Intent (SE192-901) - Raze an existing 3-bedroom dwelling and construct a new FEMA compliant 3-bedroom dwelling. Zenith Consulting Engineers. Bob Forbes from Zenith was present for discussion. Mr. Forbes said they had made a revision on the plan after receiving comments from the state. The erosion control barrier was moved in so it encompassed less land. Even though it's an existing lot, DEP considered this over 5,000sf of impact. Member Knox asked if DEP wanted them to reduce the erosion barrier to less than 5,000sf. Mr. Forbes said that was correct and it was now 4,500sf. There was less disturbance. Chairman Bouchard asked if all members were in favor of accepting the new plan. All members agreed. Chairman Bouchard read the legal notice into the record. Mr. Forbes said the existing house is to be razed and a slightly larger house will be built. The increase in the footprint will be about 75sf. The new home will be FEMA compliant with flood openings in the foundation. A new septic system has been designed with an advanced treatment system. They have removed some of the paved area within the driveway to reduce the lot coverage which is 28.3%. There is a decrease in distance from the back-porch steps to the pond by 1'. Since they have raised the house, an additional step was needed. A dewatering basin is also proposed on the portion of the lot located across the street.

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

Voted: to close the hearing and issue a standard Order of Conditions for construction, before, during, and after. In addition to standing conditions, anything blowing into the water is to be removed immediately on 113 Staples Shore Road DEP 192-901.

Unanimous approval.

Charles River Wheelers - Chairman Bouchard said this was a request for the use of Tamarack Park as a water stop. Tamarack Park was used as a water stop for last year's race and the club would like to use it again this year. The coordinator for the ride was present for discussion. He said they were expecting to have 350 riders, but it could be upwards of 400 depending on the weather. They were told by the police

department they would not need a police detail if they kept everything moving in the same direction. The bicycles will come in the second entrance to Tamarack Park and go out the third entrance. There will be no paper cups, everyone has water bottles and they will fill right into the bottle. There will be bananas and bagels, they only things they will have for trash is banana peels and maybe some power bar wrappers. They will remove all trash. Member Chamberlain said most of the route they have there are no bike lanes. The club did consult with Mark Walters who ran the Patriot Half and asked for route ideas. Mr. Walters told them it was tough in this area. There aren't too many options to get around the lake. They would like the Commission to send a recommendation to the Select Board for the approval of the use of the park.

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

Voted: to send a recommendation to the Select Board that Tamarack Park could be used as a water stop.

Discussion: Member Faherty asked that any trash generated should be removed from the park after the event.

Unanimous approval.

Clark Shores Water Corporation - Extension for SE192-772 an Order of Conditions for the water system. There were no representatives from Clark Shores to speak about the request. Member Yeatts said she had a huge problem with this. This has been going on for 6-years. She wanted to know what had been done so far, and what was left to be done. This is the second extension. She said someone should go down and do a site visit. Member Knox asked if it would be reasonable to continue and ask for an update on the project. Chairman Bouchard said that would be reasonable. He questioned if an extension was given because of Covid. There was a brief discussion about the expiration of the Order of Conditions.

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

Voted: to continue to September 26th at 7pm to get an update on what was happening and when they expect to finish up the project.

Unanimous approval.

Meeting Minutes - Review and approve meeting minutes of 5/23/23.

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

Voted: to approve the minutes of the Lakeville Conservation Commission meeting on May 23, 2023 as presented.

Unanimous approval.

Conservation By-law - discussion and possible vote. Member Faherty said he hadn't had time to review the by-law.

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

Voted: to continue.

Unanimous approval.

Open Space Residential Development - discussion and possible vote. Member Yeatts wanted to know if there had been an update on lowering the amount of land required near a great pond. Member Knox

said the Planning Board wasn't doing that now, if they keep changing the wording they won't get it on town meeting. They would like to present it as drafted with all the Conservation and Board of Health changes at town meeting and if they want, they can make an amendment the following year after its approved. Member Yeatts wanted to know if anything had been brought up about property values. The 30,000sf lots, since it's a smaller lot would it have a smaller house and how does that affect your overall housing prices. If you look at Heritage Hill, its on a golf course so their property values are pretty high. And Parkhurst is on a canal, they're on Long Pond so their property values are very high. Member Knox said Rush Pond Road is 30,000sf lots and is a very desirable location. The single-family home phase in LeBaron, they're on quarter-acre lots and were selling for upwards of \$800,000.00. Member Yeatts said someone had asked her if smaller lots would de-value other properties in neighboring areas. Member LeBlanc asked if there was supposed to be a minimum of 20-acres to do one of these projects. Member Knox said it was still a 20-acre minimum. There was a brief discussion. Member Knox said he didn't think they needed to vote, they should just consider this item closed at this point.

Additional discussion- Member Yeatts said when someone comes in with a new plan on the last day, even if it's a minuscule change, they should vote to even look at the plan. They would be voting on if they will look at the plan since they haven't seen it before. Member Knox said the Planning Board just voted to amend the acceptance of amended plans. Engineers have until the agenda gets posted to submit an amended plan for a hearing that has already been opened. If it isn't in 48-hours prior to the meeting, they won't even look at it. They did reserve the right to waive that time frame for small changes. Member Faherty said that Wareham requires amended plans be submitted a week prior to the meeting date.

Member Faherty said they hadn't closed out agenda item 1.

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

Voted: if the town were to enter into a negotiation to purchase the land on Highland Road, the Conservation Commission would be in favor of accepting the land under Conservation if all the following things were adhered to: the property was cleaned up, access and parking was assured under a proper easement that complies with zoning, answering the question of how it would be maintained, and everything was reviewed by town counsel on the legal aspect, and that we realize as ConCom, there might be a small cost in addition to the cost of the land for possible endowment to the Wildlands Trust for holding the conservation restriction. The property is 1 Elliot Way.

Unanimous approval.

There was some continued discussion about conservation restrictions.

Adjournment - (8:09pm)

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

Voted: to adjourn.

Unanimous approval.