

Town of Lakeville
Conservation Commission
September 26, 2023 at 7pm

Members present: Chairman Robert Bouchard, John LeBlanc, Mark Knox, and Nancy Yeatts. Members absent: Josh Faherty and Joseph Chamberlain. 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 8/8/23.

Chairman Bouchard said this hearing will be continued, but he had an update. Chairman Bouchard said there is a concern over some of the wetland flags. Member Knox said there was additional upland they wanted flagged and there is a potential vernal pool. Also, one of the banks, they would like to have it identified as a stream rather than a bordering vegetated wetland (BVW). Chairman Bouchard mentioned that there was an option to have a site visit with any members of the Commission that would be interested.

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

Voted: to support the site visit with Goddard Consulting and Ecosystems Solutions at 310 Kenneth Welch Drive. The Commission will be notified of a time and date, so members can attend.

Unanimous approval.

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

Voted: to continue 310 Kenneth Welch Drive to October 10th at 7pm at the Council on Aging.

Unanimous approval.

Clark Shores Water - Extension of Order of Conditions (SE192-772). Steve Melanson, vice-president of Clark Shores Water was present for discussion. Member Yeatts said she wanted to know what work had been done and what was still left to do. Mr. Melanson said they were only half funded for the project, and they have about 50% done. Member Knox asked if he could estimate a time of completion. Mr. Melanson said they were working with the health department and RCAP. They were hoping to get some money through RCAP to complete the project. He said there was self-funding happening right now. Someone just completed 140' on Hollis Avenue. He explained that they were supposed to get 7-8 million in funding, but ended up getting 4. They pulled back half the money in 2010-2011 with the flood. They were told to complete as much as they could with half the funding and when they ran out, they would get more money. They don't qualify for the loans because they don't have enough customers. They have a two-tier system with half of the customers seasonal and the other half are year-round. Until they get more people on the system, they can't qualify for loans. They still owe 3 ½ million in loans. The loans they have now are \$10,000 a month. They currently only have 60 year-round customers, and 60 seasonal customers. They can only charge 60 of those people half of the year. They are charging \$160 a month for the year-round customers, but can only charge the seasonal people half the year. Member Yeatts said her concern is their work in the wetland area and the completion on that. She asked if Chairman Bouchard had been down there at all to check siltation barriers. Chairman Bouchard said he had been several times. It needs a little bit of work due to its age. Member Yeatts

said she wasn't in favor of a three-year extension. She said she would like to extend for one-year and see how its going and make sure the office is being called when they are working in the wetland area. Chairman Bouchard thought maybe a monthly report on progress and inspection. Patricia Welch, president of Clark Shores Water and Danielle Damaris, a representative from RCAP joined the discussion. Member Knox said he was in favor of a three-year extension. He did feel the Commission needed to know what was going on. He explained that when they mentioned working in the wetlands, they were talking about the buffer zone, meaning 100' from any of the wetland resource areas like Long Pond or any of the wetlands behind some of those streets. There is a requirement of protection, for siltation barrier. When trenching happens, the proper fail safes need to be in place. One of those requirements is that when excavation goes on, the agent is called and notified so he can come out and inspect the silt fence. That was a condition when the first Order of Conditions was issued and we want to make sure those things are still happening. Member Yeatts said if there were regular reports to Chairman Bouchard, she would agree with Member Knox. Ms. Welch thought that was a reasonable request. She provided a report to the Commission that outlined where they are in the project now. Member Yeatts said the areas that still need to be completed are near the water. Member LeBlanc asked if there was siltation installed at the beginning of the project. Ms. Welch thought it was going to be installed as they went along. She didn't think there had been any installed on Shore Avenue, First, Second and Third Avenue. She didn't think they installed any there since they knew they didn't have enough funds to complete the project. Member LeBlanc asked if part of their plan was when they continue into these areas, there is a plan to put siltation in first before any construction begins. At that point, they should notify Chairman Bouchard to go and inspect. Ms. Welch said they got the original permit in 2017, but the work didn't actually begin until 2018. They still need to get more funding to complete the project. There was a brief discussion about funding.

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

Voted: to extend the Order of Conditions for 3-years from the expiration date.

Unanimous approval.

11 Stetson St. - RDA - Zenith Consulting Engineers - construction of a 2-car garage and breezeway. Jamie Bissonnette from Zenith was present for discussion. He said after speaking with a couple of the Commission members, they have started the process for a Notice of Intent. He said they were hoping for two things: to withdraw the RDA, and to get the fee paid for the RDA applied to the Notice of Intent site inspection fee.

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

Voted: to accept the withdrawal of the RDA and to move the funds for the RDA fee toward the Notice of Intent fees when they apply.

12 Fuller Shores Rd - Request for Certificate of Compliance (SE192-881) - Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. Mr. Bissonnette said they did a septic upgrade, it was an advanced treatment bottomless sand filter installed along the pond. He said he had gone out to inspect the wall work and construction prior to loam and seed. Chairman Bouchard said he had been out several times and they did a nice job.

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

Voted: to issue a Certificate of Compliance for 12 Fuller Shores, SE192-881.

Unanimous approval.

20 Second Avenue - RDA - Zenith Consulting Engineers - raze existing dwelling and construct a new FEMA compliant dwelling with tight tank and garage. Jamie Bissonnette from Zenith was present for discussion. The proposed project is a razing of an existing dwelling with the construction of a new dwelling in its place, along with modification of the garage to a 25x18. They are proposing a 2,500-gallon tight tank. They are far enough away from any wetland resource areas as far as BVW, but they are within the flood plain by 1-2". Member LeBlanc asked if the Board of Health had signed off. Mr. Bissonnette said they had approval from the Zoning Board of Appeals and Board of Health. There was a discussion about the site. Member Knox asked if it was within the 100-foot buffer zone. Mr. Bissonnette said they were well outside. The pond is over 200' away. He said the house would meet FEMA flood requirements.

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

Voted: to issue a negative 3 determination.

Unanimous approval.

9 Cross Street - Notice of Intent - SE192-902 - Zenith Consulting Engineers - new single-family dwelling, septic system, well, grading, lot clearing, utilities, driveway crossing, and replication area. Chairman Bouchard read the legal notice into the record. Jamie Bissonnette from Zenith was present for discussion. This lot contains over 12 ½ acres, but the only way to gain access to the upland area where the house is proposed, is with a wetland crossing. The proposed crossing is minimal width acceptable for a driveway. It has some culverts shown to make sure the hydraulic connection between both wetlands are connected. For the replication area, one of the qualifications is you're trying to provide it in an area that's adjacent to wetlands similar in elevation. If there are wetlands on three-sides, the replication has a better chance at success. There is also an additional upland area, but they stayed away from that area. The wetland plantings for the replication are shown on the plan as Highbush blueberry, Spicebush, Red maple and Swamp azalea. The driveway is 12' wide with 4' wide gravel shoulders which gives the fire department the 20' width they require. Mr. Bissonnette said he likes to propose a 1 ½ to 1 ratio on replication, on this project they are closer to 1:1. The reason for this is zoning. It is required to have 52,500' of contiguous upland for a buildable lot, and they have 53,106. He is unable to take and create more wetland without making this an unbuildable lot. They could possibly move over to the other upland pocket, but that would create more disturbance. The Board of Health is asking for an additional test hole on site. Since he was not the Agent when the original test holes were completed, he would like to confirm the soil with the groundwater elevation. They would like permission to drive the machine through the resource to get back to the upland area. A filing has been submitted to Natural Heritage, but they have not received a response yet. There was a discussion about the topography of the site. Member Knox thought they should request a peer review on the crossing and the replication area. Mr. Bissonnette said for the crossing, they looked at watershed area that drains to it. There is actually very little that drains to this area. It is a relatively small wetland area as opposed to the other side of the property. From the topography, it appears that the water actually goes to the back of the property. Through the watershed analysis, they believe that three 12" pipes are probably two 12" pipes more than they need for that area. Chairman Bouchard agreed that a peer review should be done. Mr. Bissonnette he didn't think they could go more than 1:1 without going to the other upland area.

Member Yeatts said she would like the peer review to look at the whole thing, including the replication, where it is, and the wetland line. She asked who had done the wetland line. Mr. Bissonnette said he believed the Commission had already approved the wetland line. The wetland line was done by Bob Gray of Sebatia. Member Yeatts asked if it was filed as an ANRAD. Mr. Bissonnette said it might have been a Notice. He said he knew they had to file prior to being able to do the perc tests. He said he could confirm whether it was an ANRAD, RDA, or Notice. Member Knox said a condition of approval should be weekly reports or something related to the start, finish, and progress of the wetland replication. Member Yeatts said she would like to see verification of the wetland line seeing as it's so tight, and you can't do any more replication because you barely have the 52,500 of upland. Member Knox asked what the acreage of the other upland was. Mr. Bissonnette said it was 52,000, so it's about 1.2 acres. Member Knox said you wouldn't be accessing that to build on, it would be to make more replication. Mr. Bissonnette said that was correct. Member Yeatts said in DEP's comments they suggested we include a condition to prohibit further activities on this property. Mr. Bissonnette said if you go over 5,000sf, you can trigger a water quality. They are exempt as long as we meet the following conditions: at least a 1:1 replication, less than 5,000sf, and a restriction stating that if they do impact wetlands again, it will be counted on top of the 4,900sf we're doing now. David Bornazian, who is interested in purchasing the property, asked about the 5,000sf. He asked if being capped at 5,000sf meant he would not be able to add on to the home. Member Knox explained it wasn't a home size, it's the replication area. The lot needs to be a certain size, but you have a right to cover up to 25% of that with impervious. Mr. Bornazian wanted to make sure that if he purchased the property, he would be able to put up a garage in the future. Mr. Bissonnette said it was all about filling or dredging. The 5,000sf that is referenced is impact to the wetland resource area. If you impact over 5,000sf, you trigger a water quality permit. They are staying below the 5,000 with 4,894sf. If for some reason there is an error, and they go out and clear an extra 1,000sf, that will most likely trigger Army Corps of Engineers and they would have to file for water quality. There will need to be a declaration or deed disclosure that you have already filled in 4,900sf of wetland onsite. That way, going forward, if it is sold, other people will have no excuse of not knowing that if they go over that 5,000sf threshold, you trigger a water quality permit. Mr. Bissonnette said he would like permission to do the perc test next Thursday. Chairman Bouchard said he would not be available on that day to witness the test. Mr. Bissonnette asked if he would be comfortable with Health Agent Ed Cullen keeping an eye on the process. Chairman Bouchard said he would.

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

Voted: to send the plan out for peer review to include: wetland line verification, construction of the crossing, size and placement of the culvert on the crossing, and the replication area suitability.

Discussion: Mr. Bissonnette asked if the wetland line is already locked in, and they can demonstrate proof of that, then having it reviewed by someone else and possibly trying to change it would actually conflict with the Commission's existing approval; if the line is not already approved under some mechanism. Member Knox said that would be wetland line verification by Mr. Bissonnette, to make sure that has been suitably agreed upon. If that is the case, we will remove it from the peer review.

Unanimous approval.

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

Voted: to allow crossing over the wetlands with a small excavator with minimal damage to do a test with the Board of Health Agent present.

Unanimous approval.

Adjournment - (8:04pm)

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

Voted: to adjourn.

Unanimous approval.