Town of Lakeville

Conservation Commission

Tuesday May 11, 2021

7:00 pm – Remote meeting

Members present: Chairman Robert Bouchard, Nancy Yeatts, Joseph Chamberlain, John LeBlanc, and Josh Faherty. This was a remote meeting and recorded by LakeCam.

**2 Bedford St**. – NOI – Cape & Islands Engineering. Raul Lizardi from Cape & Islands Engineering said they received the second peer review letter today and most of the comments in the letter were already addressed. The four comments that were remaining the applicant can agree to. He said he believed they could continue with the hearing and hopefully close it. Mr. Lizardi said the Commission had voted to have a peer review on the drainage and site design. They did a couple of test pits on the site and the results of the test pits and findings of the ground water level resulted in a revision of the front left corner of the site. They did that to allow for additional separation to groundwater. They found that the groundwater was shallow in this location, which is the closest location to the wetlands. They revised the site by closing out the existing northerly curb cut. They were proposing to keep the two curb cuts as they exist, but based on the groundwater, they chose to close that curb cut and relocate it to an area outside the 100-foot jurisdiction of Conservation. By removing the curb cut, it allows them to raise the grades of the parking and for the patio and drive-through lane. The revision allows them to lift the grades and provide adequate separation to the groundwater. Mr. Lizardi reviewed the plan with the Commission explaining the drainage. Three of the drainage basins were called rain gardens, but for storm water management “rain garden” has some implications. A particular soil base for planting that is rather deep and with this being a redevelopment of the existing site, they didn’t want to adhere themselves to that particular requirement, so they are calling them vegetated drainage areas. Mr. Lizardi said most of the comments were addressed on the revised plans that were sent to the peer reviewer. Four of the outstanding items have to do with standard number four for the storm water management which is total suspended solids (TSS) removal. For the vegetated basins, they are not looking for the 80% TSS removal. They are just providing an improvement to what’s on the site today. The site currently has no drainage whatsoever, so the vegetated drainage basins will provide some TSS removal, they are not targeting a particular 80% TSS removal as part of the redevelopment. The upper drainage basin, which is considered new development, has stormceptors to provide TSS removal and an infiltration basin that discharges into a stone swale. This new development will provide the required TSS removal. They did provide an illicit discharge statement, it was not signed by the developer, but they can submit a signed statement if it’s conditioned that way. For the roof runoff drainage system there is an outlet that was proposed as a 4-inch opening outlet but the plan will be revised to a 6-inch based on the calculations. Member Yeatts had two comments, they don’t have the revised plan yet, and that’s 70% coverage so it should go to the Planning Board and they have to get density bonuses so the whole plan could change substantially. Scott Turner (peer reviewer) said his biggest concern is the TSS removal in the area around the building where the vegetated collection areas are. He would like to see the calculation to see if it meets the TSS removal standard. He asked Mr. Lizardi about adding a stormceptor. Mr. Lizardi said there were two stormceptors for the upper parking lot. Mr. Turner asked if they were proposing to change anything, add any additional treatment in the stormwater depressions. Mr. Lizardi said not in the basins. Mr. Turner asked if he knew what the TSS removal was for those areas. Mr. Lizardi replied that this is the part that is redevelopment, so if the green bases are accounted to be 50% removal of TSS, then that’s a 50% improvement over what’s currently happening on the site. If the drain basins are called out to be a 60% removal, then that is what it would be. They did not want to call them a rain garden which is the higher 90% removal because they don’t have the space above groundwater to provide a two-foot planting soil material. Mr. Turner said he did agree it was an improvement. There are some areas that currently aren’t paved that will be paved that flow to this system. To the east (or to the right) of the building, there’s a significant area that’s unpaved now that will be paved, so it’s a mix of new and redevelopment draining to this system. Mr. Turner said the other question he had was the inlets that are in these depressions, are they inlets or are they catch basins? Mr. Lizardi answered that they were inlets. Mr. Turner asked if they had a sump and hoods. Mr. Lizardi said they have very minimal sumps so they didn’t want to count any sump on them. Mr. Turner said that the treatment that they’re getting is really in the depression. To him, they’re more like sediment forebays which would probably be 25% or so. In this area, it’s a combination of new development and redevelopment. For new development you need to meet the standards of 80%. For redevelopment you need to meet to the maximum extent practicable. Mr. Turner agreed that what they are providing is an improvement over what is there. But because it’s a mix of new and redevelopment, if they can add additional treatment, it’s better for the project. There was a discussion about stormceptors and drainage. Mr. Turner said he understood Mr. Lizardi’s argument. He was saying that they were treating the existing pavement, and it’s over 80%, and the trade-off being the newer pavement they’re treating to less than 80%. Mr. Turner’s feeling was that if they could do more in the back, that would be preferable. They don’t know exactly what the use is going to be. Member Yeatts said they would be better off doing more treatment now because their recommendation is going to be forwarded to the Planning Board. She still had concerns about 70% coverage. They haven’t earned the density bonuses yet. Member Yeatts said this would be a lengthy Order of Conditions and she wouldn’t be able to come up with a motion for it tonight. She said they needed a new plan, a plan of record. Another condition they would put on is that any changes by the Planning Board will be subject to additional review to see whether or not it needs an amended Order of Conditions. She suggested they continue for two weeks and she will work on an Order of Conditions. Member Chamberlain said he would think that Mr. Lizardi would want to go to the Planning Board first because of the amount of pavement. Also, when there’s a drive-through window, the Planning Board always wants to know how many cars can you queue up before they’re backing up onto a traveled way. Member LeBlanc said he would defer to the professional peer review, that the additional treatment is a good idea, and Conservation approving it before the Planning Board, the plan could change significantly if they don’t get their density bonuses. He would not be in favor of voting on this tonight. Member Faherty said he also didn’t think they should make any motion before it goes in front of the Planning Board. He thought they may be wasting their time. Chairman Bouchard was also in agreement.

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

Voted: to continue 2 Bedford St. to May 25th at 7pm.

*Discussion: Member Yeatts asked if this was with the understanding that they would like to see more treatment. Chairman Bouchard said that was the recommendation. Member LeBlanc asked when the plan would be going before the Planning Board. Mr. Lizardi did not have a date yet. Mr. Turner said he thought they could work out a solution which would be straight forward and make the project better regarding the treatment in the back. But if the project has to change considerably, that was a bigger concern for him. Mr. Lizardi spoke about project changes and Boards right to review again to see if amendments are needed. Member Yeatts said she didn’t understand what that meant about treatment. Is it no more treatment, you’re going to go with what you have. According to Mr. Lizardi, he’s saying 50% or 60% treatment, but it sounded like Mr. Turner said only 25. Mr. Lizardi said they would be issuing a revised plan and they will do whatever adjustment they need to for the treatment to the TSS removal after they review with Mr. Turner. He said it was an easy addition to this design, to do another stormceptor for TSS removal. He will need to review the treatment between the back of the building and retaining wall, where elevation-wise they don’t have a lot of room to play with. But, they can improve on the TSS, and will do that for the revised plans.*

Unanimous approval

**149 Bedford St**.- NOI – Zenith. Member Yeatts recused herself. Jamie Bissonnette from Zenith Consulting Engineers was present for discussion. This is a filing for a commercial site at the corner of Bedford St. and Rhode Island Rd. This lot currently has a dilapidated house very close to the traffic light. They are proposing to raze the existing structure and construct a new 1800 square foot office building on a slab-style foundation. There will also be a new curb cut closer to Tamarack Liquors, further away from the traffic light. The proposed project has been in front of the Planning Board and Zoning Board of Appeals. They are looking for some buffer zone work. The resource areas appear to fall on abutting properties, some across Bedford Street and some being on the adjacent property. Currently MassDOT has an easement with some drainage facilities. They are proposing a parking area with new entrance. There will be a First Defense storm basin (similar in treatment to a Stormceptor) that will drain into an infiltration basin. The infiltration basin has an outlet structure which is designed to meter out flow at a reduced rate to the ditch area where it’s currently heading. The existing catch basin which has been modeled to make sure it can contain the flow without any adverse effect. The water gets into the catch basin and runs into a 15-inch culvert under the road. They are also proposing a septic system and reserve area in the front. They are looking to construct the site, put in drainage mitigation, which there is none on site now, update the building, and update the septic system to Title 5 requirements. Member LeBlanc asked if they planned to pave the parking lot. Mr. Bissonnette said they were and he would be filing an application with MassDOT since Bedford St. is a state layout. MassDOT would be taking a look at the roadway entrance, but they’ll also look at the drainage and drainage easement. Chairman Bouchard asked if flow was in the direction of the drainage ditch to the southwest, and if it was constant. Mr. Bissonnette explained that right now there is water from the other side of the roadway that goes into it and drainage that comes into it, and then their entire site drains into it. He said after rain storms, there is flow in there. Member LeBlanc asked if it dries up. Mr. Bissonnette answered that he has seen it dry. Member Chamberlain asked about the sign location and what the future plans were for Rhode Island Road. Mr. Bissonnette pointed out the sign location on the plan and said the Zoning Board did not approve the increase (nine square feet) on the square footage on the sign. From Mr. Bissonnette’s understanding they won’t be taking anything on this property for the Rhode Island Rd. project. Member Chamberlain asked if there would be any likelihood that they would be widening the road and adding more impervious surface. Mr. Bissonnette said he was unaware if they’re going to be taking more as far as the right-of-way is concerned. His understanding is the intent is to widen the pavement and add a bike lane and bringing it up to Clear Pond Road. Member Yeatts said it was certainly an improvement and she liked that the building was moved back from the street. She has heard comments from other people about the wetland, but the wet place is just the existing drainage easement and not the wetland way in the back. Member LeBlanc asked if the elevation of the road was going to change, the elevation of the existing, will it be built up. Mr. Bissonnette said there are definitely elevation changes. Member LeBlanc asked if they had siltation. Mr. Bissonnette said on the plan they show a silt sock, fence line that runs along the side and wraps pretty much the entire property at the limit of work. The have a proposed construction entrance with the riprap, dewatering area, concrete washout area and vehicle storage area where the equipment will be parked at night. The have an operation and maintenance plan for it, construction sequence detail and all the other details. Member LeBlanc asked if they would keep the road clean. Mr. Bissonnette said MassDOT would be all over them if it’s not. Part of the MassDOT permit covers keeping it clean and doing work appropriately.

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

Voted: to close the hearing and issue an Order of Conditions to allow the work to go forward with all the standard conditions for before, during, and after construction.

Four in favor, 1 abstention (Yeatts – recused)

**5 Cross St**. – NOI – Zenith. Jamie Bissonnette from Zenith Consulting Engineers was present for discussion. This is a proposal for a single-family dwelling with associated septic, driveway, grading and utilities. There is a small existing entrance to get back to the upland portion of the site. They are adding a driveway to get to the upland portion of the site. There is bordering vegetated wetlands (BVW) on both lines with some standing water. Both the water and BVW setbacks to the septic system are greater than 50-feet. There isn’t much, if any area, on site that is 100-feet or greater so the entire site is pretty much in the buffer zone. They are trying to maximize all the separations and maintain as much 25-foot no touch as possible. Erosion controls are proposed to wrap the site. They are showing a limit of clearing to a pretty limited extent based on the amount of disturbance that’s going to be needed for any construction on a lot like this. They are also proposing a minimal practical driveway for accessing the site. Member Yeatts asked if they had to go to the Zoning Board of Appeals and asked where the upland circle was. Mr. Bissonnette said that there was no such thing as an upland circle anymore, now it’s a front yard circle. It either has to touch the front property line or the front yard setback. Member Yeatts asked if this had been before the Board of Health. Mr. Bissonnette said he wasn’t sure, he knew the percs had been done with the Board of Health but he wasn’t sure about approval. Member Yeatts said no variances for the Board of Health? Mr. Bissonnette replied that it was new construction, and they have to try not to have any variances. They meet all the minimum setbacks. Member Yeatts asked who flagged the wetland. Mr. Bissonnette said it was delineated by Bob Gray of Sebatia in 2017 when they did the survey and ANR plan for the site. Member Yeatts added that this was something they are squishing between two giant wetland systems. She asked about an alternative’s analysis. Mr. Bissonnette said that they are meeting all the performance standards for the BVW. He didn’t see any of the proposed work to have a long-term adverse effect on any of the wetlands and really didn’t see it having a short-term adverse impact. Member Yeatts asked where the proposed driveway would be draining. Mr. Bissonnette said with all things single family right now, the way that it constitutes, they are not required to do any drainage. So, the drainage would flow into the woods and eventually into the resource. Where it’s a driveway, you’re not expecting much in the area of contaminants as you would maybe a parking lot or highway. But the State level and local level there’s no drainage or treatment required for driveways. With the pavement, there is long-term stability you’re not worried about running and eroding where you may in a gravel driveway. Member Yeatts asked if Chairman Bouchard went out and checked the wetland flags. Chairman Bouchard said he had been out there a number of times. He hasn’t checked every flag, but what he could see was alright. Member Chamberlain said looking at the soil logs, there is mottling on all four test pits between 22” down and 24” down. And the ‘a’ and ‘b’ layers will be removed down to elevation 58, and you’re starting at elevation 60 or 61. What you’re removing is sandy loam which is pretty good perking material and will you bring in equivalent stuff? Mr. Bissonnette reviewed the test pit logs with the Commission. Member Yeatts had one more question, there’s two lots or two different spots for sale. Is this the one closest to Cross St. that’s got the little dirt road going into it or the one further back. Mr. Bissonnette replied that it was the one with the dirt road. Member Yeatts asked if this is the one closest to Taunton St? Mr. Bissonnette said he believed the lot she was thinking of is the other lot. After some discussion, it was discovered it was lot 2.

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 for before, during, and after construction, pending Board of Health.

*Discussion: there was a discussion about a determination from Natural Heritage.*

Unanimous approval.

**83 Howland Rd** - RDA – Outback Engineering. Greg Drake from Outback was present for discussion. The proposed plan is for a septic system replacement. The existing cesspool will be removed. There was a review of the plan. Erosion control was used to keep anything from flowing toward the stream. This property is within the riverfront area, so they tried to minimize as much disturbance as they could and tried to keep the system as close to the house as possible. Member Yeatts asked if it was in the inner riparian zone and that 69-feet is from the top of the bank of the stream. Mr. Drake said it is. Member Yeatts asked what kind of stream it was. He said he thought it was a tributary, the Cedar Swamp River. Mr. Drake said it was flowing when he was out there about a month ago. He wasn’t sure if it slows way down when you get to summertime. Member Yeatts asked if it was perennial. Mr. Drake replied yes. Chairman Bouchard said he’s been out there a few times and the flow is kind of variable. Sometimes it’s down to almost nothing.

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

Voted: to issue a negative determination three with a condition that the agent will be called to check the siltation barrier before construction begins.

Unanimous approval.

**Residences at LeBaron Hills** - ORAD amendment – Goddard Consulting.

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

Voted: to continue the hearing on the Residences at LeBaron Hills to the May 25th meeting at 7pm.

*Discussion - Member Yeatts said that they were supposed to go tomorrow to do a field review of the stream. But Goddard Consulting couldn’t make it so she thought they were going next Monday; Goddard and Brad Holmes are going to go together to review the filing or the wetland line or stream or bank of the stream.*

Unanimous approval.

**Lakeville Hospital (43 Main St)** -VHB – Stormwater Pollution Prevention Plan (SWPPP). Brittany Gesner from VHB was present for discussion. She said they have submitted the SWPPP for the Lakeville Hospital project in accordance with one of the conditions. The commencement of construction is pending the Commission’s review and any comments on the SWPPP. Ms. Gesner said it was a lengthy document and the bulk of the pages in the pdf are really the construction general permit that the EPA issues. Member LeBlanc asked if they were held up from doing anything. Ms. Gesner replied that the condition did allow for six weeks for review. Member LeBlanc asked if this could be added to the next meeting agenda so everyone has time to read it. Member Yeatts said she thought it might be something they would want Scott Turner to take a look at just for any outstanding red flags. Member LeBlanc asked if DEP reviewed the SWPPP. Ms. Gesner said no, its through the EPA, and essentially any project that disturbs more than one acre of land has to file an ENOI and prepare a SWPPP and maintain a SWPPP throughout construction. Chairman Bouchard said he didn’t see any harm in running it by Scott Turner.

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

Voted: to continue Lakeville Hospital (43 Main St) to the May 25th meeting at 7pm,

pending review by Scott Turner from Environmental Partners in collaboration with Brittany.

Unanimous approval.

Ms. Gesner said there were two conditions in the Order of Conditions that she wanted to discuss to see if there’s opportunity to modify them. Chairman Bouchard agreed to see if they could accommodate Ms. Gesner or if they would have to continue. Ms. Gesner said one of the conditions, condition number four, *all construction materials, earth stockpiles, landscaping materials, slurry pit, waste products, refuse, debris stumps, slash or excavate may only be stockpiled or collected in areas shown and labeled on the approved plans under cover and surrounded by double staked row straw bales silt sock or alternative approved by Lakeville Conservation Commission to prevent contact with rainwater. If no such areas are shown, must be placed or stored outside all resource areas.* Their request on that condition is does that only apply to areas within the buffer zone and within the ConCom jurisdiction rather than the entirety of the site. Chairman Bouchard and Member Chamberlain assumed that it was not the entire site but only what was within their jurisdiction. Ms. Gesner said that was their understanding as well but just wanted to confirm. There was one other condition, number 34, *Copies of all additional state and federal permits received for the project, including but not limited to, a Water Quality Certificate from the Massachusetts Department of Environmental Protection, a Beneficial Use Determination from the Massachusetts Department of Environmental Office of Energy and Environmental Affairs, and the Massachusetts Department of Transportation Highway Access Permit, will be provided to the Commission prior to the start of construction.* Ms. Gesner said they will not have all those permits prior to construction, specifically the DOT access permit. She asked if it would be ok with the Commission if it was just permits in hand will be on site. Chairman Bouchard said yes, that was the understanding.

**Meeting Minutes – 43D Public Hearing** - Chairman Bouchard said that these are all meeting minutes that have been approved by other Committees and they can accept them as a package deal because they have been voted on. Member Chamberlain said there were still a number of mistakes that have not been corrected so he would not recommend accepting right now. There was a brief discussion regarding the minutes.

**Tamarack Park** – Chairman Bouchard said there was a request from a family who wanted to donate a memorial bench. Member Yeatts said she already has a fund set up for one of her rangers that passed away. It doesn’t mean you can’t have two. She said it would be great to have a couple of benches.

**MassDOT – Southcoast Rail** – Chairman Bouchard said there was a request for an extension of an Order of Conditions for Southcoast rail. Member Yeatts asked if it was a five-year extension or three. Chairman Bouchard said it was three, but the date doesn’t really matter. Anything that came due during the time of the virus would extend automatically.

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

Voted: to grant a three-year extension for the Order of Conditions for MassDOT Southcoast Rail.

Unanimous approval.

**Adjournment** - (8:35pm)

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

Voted: to adjourn.

Unanimous approval.