

Town of Lakeville  
Conservation Commission  
November 14, 2023 at 7pm

Members present: Chairman Robert Bouchard, John LeBlanc, Joseph Chamberlain and Nancy Yeatts.  
Members absent: Josh Faherty and Mark Knox. 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 - Increase in parking and wetland replication. Continued from 10/10/23 meeting. Chairman Bouchard said a continuance had been requested by the applicant.

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

Voted: to continue 310 Kenneth Welch Drive to the meeting on 11/28.

*Discussion:* Member Yeatts said they did the site visit a month ago and they've been waiting close to 3-months since this started. She thought someone needed to show up at the next meeting. Member LeBlanc said they could refuse to continue. At that point, they would have to refile. Member LeBlanc thought they should give a warning that if no one addresses this by the next meeting, the Commission can drop it and the applicant could refile when they are ready. Chairman Bouchard agreed.

Unanimous approval.

**9 Cross Street** - Notice of Intent (SE192-920) - Zenith Consulting Engineers - new single-family dwelling, septic system, well, grading, lot clearing, utilities, driveway crossing, and replication area. Continued from 10/10/23. Nyles Zager from Zenith was present for discussion. He said they were asking for a continuance. He asked if anyone had a chance to review the proposal from Environmental Partners. He said it was basically \$8,000 to review the wetland line and to analyze the culverts. He said his client does not want to accept that. He asked if there was an option to go somewhere else or to have Environmental Partners review the scope again to see if there was a mistake. Member LeBlanc asked if there was an alternate peer review company. Member Yeatts said it was a very marginal lot, surrounded by wetland and just squeaks out to be a buildable lot at 54,000sf, that's why we want to be sure. Mr. Zager said they weren't disputing that. Member Yeatts wondered if they could find someone to give a price for the wetland line, and then find someone else to do the engineering. No one has reviewed that wetland line and that's what makes it a marginal lot. Mr. Zager said they originally had Bob Gray from Sabatia do the wetland delineation. They weren't disputing that the wetland line needed to be reviewed, it was just the price. The Commission will try to obtain additional proposals.

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

Voted: to continue 9 Cross Street to November 28<sup>th</sup> at 7pm.

Unanimous approval.

**11 Stetson Street** - Notice of Intent (SE192-904) - Zenith Consulting Engineers - Raze/relocate existing detached garage/barn and construct attached garage and breezeway. Grading and modification to existing driveway. Chairman Bouchard read the legal notice into the record. Nyles Zager was present for discussion. Mr. Zager said this was before the Commission before as a Request for Determination of

Applicability (RDA) and it was issued a positive determination, so a Notice of Intent (NOI) has been filed. This is an existing single-family dwelling with an existing detached garage. There's a bordering vegetated wetland (BVW) and a pond in the back. The proposal is for the razing of the existing detached garage and constructing a new garage with a breezeway attached to the existing home. There will be some additional pavement for the driveway and an additional 10x12 shed. This will all be done in an existing landscaped area. There are erosion control measures on the northerly side that follow the limit of work. They are also proposing a dewatering basin and have the detail and location for it, however they don't foresee having to deal with that. This is only buffer zone work and the closest point on the garage is just over 39-feet, and 24-feet from the shed to the wetland line. Member LeBlanc asked if the shed would be on a slab. Mr. Zager said it would. Member LeBlanc asked if the garage would have a frost wall. Mr. Zager said it would and that was the only reason they thought dewatering might be necessary. The breezeway would be a slab on grade. Member Yeatts asked if there was any way the relocated shed could be a little further away than 24-feet. The applicant said they could actually delete the shed because the yard isn't actually that big and it takes up a lot of the backyard. He was willing to demolish the whole shed and delete the proposed new shed from the plan. There was a discussion about leaving the shed on the plan outside the 25-foot buffer zone, in case the applicant decided he did want the shed. Mr. Zager said if they move the shed they may have to take down a tree. After some more discussion, the proposal remained the same. Member Yeatts asked if the existing patio was raised. The hay bale line only goes to the edge of the patio. Member LeBlanc asked if they could just extend the hay bale line around the patio. Mr. Zager said they could. Member Chamberlain asked if you went from where the driveway enters the lot, then down to the shore, what kind of drop in elevation is there? Mr. Zager explained the high point was at the house at 81, then down to 72, about a 9-foot drop.

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 all the standard conditions for construction, with an extra condition of extending the hay bale line around the existing patio.

Unanimous approval.

**4 Fieldstone Drive** - Notice of Intent (SE192-905) - Zenith Consulting Engineers - Removal of stock piles within 100' of a wetland with areas to be loamed and stabilized. Nyles Zager from Zenith was present for discussion. Chairman Bouchard read the legal notice into the record. Mr. Zager said this project had been in front of the Commission a few years back. An NOI was filed for the construction of a new home. Since then, there has been some stockpiling of materials. This was already an existing cleared area that had a lot of horse manure that was sitting there, and he just wanted to cover it up. The applicant knows he needs to remove it, and he's willing to do that. They are creating a temporary access along the side, keeping it as far away as possible from the wetland. The material will be trucked out and the area will be stabilized. Chairman Bouchard asked what type of material was where the truck access was. Mr. Zager replied that it would be a gravel access. It is currently cleared and accessible. The proposal is just the stockpile removal in the buffer zone, there would be no disturbance to the actual resource area. There will be silt sock wrapped around that limit of work and will be left up until it is properly stabilized. There is no excavation, only hauling material out, no digging below grade. Mr. Hanson said there has been a silt sock there since the stockpiles were put there. There were comments from abutting neighbors. Ashley Evirs from 77 Pickens asked about the open Order of Conditions (OOC) on this property. Member Chamberlain said the first OOC needed to be dealt with somehow. Member LeBlanc said there are two different issues. This NOI is for this issue. If there was something done with the original construction of the house that affected her house, that would be the first OOC. Chairman

Bouchard asked if Mr. Zager would like a continuation so they could come up with a plan to remediate. He said he would like to be able to give the applicant the right to be able to remove the piles. There was a discussion regarding the open OOC. Mr. Zager said he was the engineer on the project and it was for the construction of the home and will expire in April of 2024. He was willing to file for a Certificate of Compliance (COC), or at least find out what's going on. Member Yeatts said what if the applicant doesn't come back to the Commission for a COC. Mr. Zager explained to the applicant that an OOC is a lien on your property, and in order to sell the home it would need to be closed out with a COC. Member Yeatts thought they should file for a COC for the next meeting, and then they could approve the new NOI. Mr. Zager said he would try, but it would depend on what was complete and if there was anything that needed to be remedied.

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

Voted: to continue this hearing until the 29<sup>th</sup> of November at 7pm, and ask the applicant to file for a Certificate of Compliance on the original Order of Conditions.

Unanimous approval.

Member LeBlanc suggested that Ms. Evirs submit a letter to the Commission with her complaints.

**162 Bedford Street** - Abbreviated Notice of Resource Area Delineation - Outback Engineering. Chairman Bouchard read the legal notice into the record. Jim Pavlik from Outback was present for discussion. The plan shows the wetlands that were delineated on the site. It's about 25-acres with a pond to the north side, a larger BVW on the south side, and three isolated wetland areas toward the center of the site. They did review the three isolated areas to see if they could be potential Isolated Land Subject to Flooding (ILSF). From their assessment, those areas are too small and the larger central isolated wetland also didn't meet the criteria. There are two existing buildings on the northern portion of the site that are being used for business. The remainder of the site is mostly wooded. Chairman Bouchard asked who did the delineation. Mr. Pavlik said it was Greg Drake from their office. Chairman Bouchard asked if they had an estimate of the depth of the ponds. Mr. Pavlik replied that by looking at the contours, one might be two or three feet deep and the other areas are very shallow. They are classifying the area at the back of the property as a pond because it's over 10,000sf. Mr. Pavlik said he was available for a site visit. Member Yeatts said she thought they should continue the hearing and go out and take a look at the site.

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

Voted: to continue 162 Bedford Street to give the Commission the opportunity to do a site visit.

They will continue to 11/28 at 7pm.

Unanimous approval.

**Goat Island** - Request for Determination of Applicability - Build a 24x20 shed on grade. Chairman Bouchard said the applicant is asking for a continuance.

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

Voted: to continue Goat Island until the 28<sup>th</sup> at 7pm.

Unanimous approval.

**Town of Lakeville** - Request for Determination of Applicability - Environmental Partners - demolition of pump house at Ted Williams Camp. Sabrina Castaneda from Environmental Partners was present for discussion. She explained this is one piece of several other water improvements they are pursuing throughout the town. The north section of Ted Williams Camp, where the walking trails begin, there's an old pump house there that has not been used for quite some time that has fallen into bad disrepair. There is an active pump house on-site that is currently in use. The reason for the focus on this is that the water main that runs from the well across the yard and dips into the abandoned pump house above grade, would be difficult and unsafe if any repairs to the water main were needed. The proposal is to demolish that pump house, and move the 15 or so feet of that line right outside the footprint of the abandoned pump house. They will also remove an old fence and utility pole. There are bordering wetlands on either side of the walking trails, so the excavation for the water main location is located within the 100' buffer. It is inside a manicured lawn with minimal impacts. The ground will be restored to existing conditions. Member Chamberlain asked how big the line was. Ms. Castaneda said it was a 2-inch line. Member LeBlanc asked about the grade. Ms. Castaneda replied that it was relatively flat.

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

Voted: to issue a negative three determination with one condition that the seed be a native mix.  
Unanimous approval.

**Meeting Minutes** - July 25, 2023 and August 8, 2023.

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

Voted: to approve the Conservation Commission meeting minutes of July 25, 2023 as printed.  
Unanimous approval.

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

Voted: to approve the Conservation Commission meeting minutes of August 8, 2023 as printed.  
Unanimous approval.

**Adjournment** - (8:04pm)

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

Voted: to adjourn.  
Unanimous approval.