

Town of Lakeville
Conservation Commission
Tuesday May 25, 2021
7:00 pm – Remote meeting

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

Residences at Lebaron Hills – amend ORAD – Goddard Consulting. Chairman Bouchard asked if there was anything new to report. Member Yeatts said the applicant has asked for a continuance.

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

Voted: to continue Lebaron until June 8th at 7pm.

Unanimous approval.

2 Bedford St. - NOI – Cape & Islands Engineering. Mark Dibb from Cape & Islands Engineering was present for discussion. After the last meeting, comments from the Board and peer review were considered. Additional treatment has been added to some areas. Behind and to the left of the building a deep sump catch basin and a stormceptor proprietary treatment unit was added to increase removal of total suspended solids (TSS). To the front of the site, there has been a revision to the shallow catch basins into larger deep sump catch basins to provide further TSS removal. They are tied together through manholes. They have also added another treatment unit prior to discharge. They feel they have answered the questions asked by the peer reviewer. Scott Turner, the consultant from Environmental Partners, looked at the plans. He thought the addition of catch basins and stormceptors definitely help with TSS removal. The site is very close to complying with the new development standards. There are some areas that still comply with redevelopment standards only, but he felt the project is in a better place from a water quality perspective. Mr. Turner issued a letter dated May 20th closing out all the comments. The only thing that was outstanding is they should sign the illicit discharge statement, but the design as proposed does not show an illicit discharge from the site. For sake of completion, he would recommend they sign the paperwork, which he felt was a simple condition. Mr. Turner said he was fine with what they provided and happy with how the project has evolved. Member Knox mentioned they would have to go through the Planning Board for site plan review, and then if Conservation were to approve, that it would be subject to that as well so that the final plan of record would show continuity throughout the town's records. Mr. Dibb said they knew that they needed Planning Board approval.

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

Voted: to close the hearing and issue our standard order of conditions for before construction, during construction, and additionally that we receive a signed illicit discharge statement prior to construction for consistency with Massachusetts stormwater management standards and

that any changes by the Planning Board are subject to review by the Conservation Commission for additional conditions or amended Order of Conditions if there are that many changes.
Unanimous approval.

76 Lakeside Ave. – NOI - Spink Design. Tom Roux from Spink Design was present for discussion along with homeowner Allan Smith. Mr. Roux said this property is on the lake and currently has a concrete septic tank and pump chamber. The current system is deep and pumped up the driveway to a septic system made of concrete chambers. When he did the inspection, Mr. Roux said it was filled to the top with water. This lot is only about 50-feet wide, but it's a little over 1,000-ft long, so it was tough to fit everything. What they plan to do is not use the existing septic tank and pump chamber and go with a plastic septic tank which DEP has approved. They will be using a plastic septic tank and pump chamber. In the DEP approval letter, it states there must be concrete around it so the tanks don't move. These plans have been approved by the Board of Health. The tanks in the ground now, will be abandoned. They will be pumped out, a hole punched in the bottom, filled with sand and left in place. The new plastic tanks will be easier to get in place and the neighbor said they could use his yard to get the concrete mixer in and use a couple of chutes and get the concrete in there. There will be a force main in the soil absorption system which will be up the driveway. Member Yeatts asked how close the work is to the water. Mr. Roux said the only work close to the water is the tank replacement. The new system will be further from the pond than the existing system. There will be a retaining wall on one side of the property of varying heights, so it will accommodate the soil. Member Yeatts asked if any work will occur between the front of the house and the pond. Mr. Roux said the tank replacement. Chairman Bouchard asked if that was in the 100-foot buffer zone. Mr. Roux said yes. He said he filed with MESA and they said this doesn't need to be filed with them. Member Yeatts said her question hasn't been answered. How close are they to the pond, is it 25-feet, 50-feet? Mr. Roux said he thought it was about 70-feet. Chairman Bouchard asked if they anticipated more tree removal to have access. Mr. Roux said he didn't think any trees would need to be removed since the neighbor said they can utilize his driveway.

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

Voted: to close the hearing and issue our standard Order of Conditions with the additional condition that we receive the letter from Natural Heritage prior to issuing the Order.

Unanimous approval.

Southcoast Rail - RDA - Tech Associates. Tom Lewis from Tech Associates was present for discussion. Mr. Lewis said when railroads in Massachusetts make an herbicide application, they do the work under the rights-of-way regulation administered by the Department of Agricultural Resources. As part of that regulation, they are required to have a vegetation management plan. This is a 5-year document, with the most recent one expiring at the end of last year. The need to get confirmation from every municipality of the resource areas for the wetlands and water supplies that are shown on the map. Member Knox asked if anything has changed in the application compared to what's proposed. Mr. Lewis said the herbicides do change. That comes in the yearly operational plan and in the spring, there is an irrigation plan. Anytime an application is made in a buffer zone or other sensitive area, they have to use products that are specifically designed for those areas. They can't use any other products other than what the State has listed for those sensitive areas. Member Knox asked if the limits of work

changed from the original application. Mr. Lewis said no. He said there is no Order of Conditions because this is regulated by the Department of Agriculture, this is to confirm boundary delineations.

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

Voted: to issue a negative determination for the RDA, a negative 3 for work in the buffer zone and number 5 for exempt activity in the riverfront. In addition, check positive 2A confirming the accuracy of the resource boundaries.

Unanimous approval.

Lakeville Hospital (43 Main St) - Storm Water Pollution Prevention Plan (SWPPP) - VHB Engineering. Scott Turner (Environmental Partners) said a SWPPP was received last week. He said any project that clears an acre of land is required to do a SWPPP and file a Notice of Intent with the EPA (different from on filed under Wetlands Protection Act). The SWPPP is intended to be a manual that the contractor refers to when they are doing construction to manage erosion and sedimentation control. Some of the questions Mr. Turner had were if there were any sections of documentation due to the existence of asbestos in the existing buildings. There is a section for the SWPPP that refers to structures built or renovated prior to 1980. He also wanted to know if the Notice of Intent was actually filed with EPA. When filing with EPA you're not applying for a permit, you're filing for "coverage", which is basically registering your project. Some areas of the SWPPP require senior people on the project to sign it. One of the requirements of the construction general permit is that they provide SWPPP training so that workers on site understand what is expected on the SWPPP in terms of erosion, sedimentation control, cleaning the site, replacing hay bales, or erosion sedimentation control. Brittany Gesner from VHB said they discussed the items today and she has reviewed the letter and doesn't have any concerns, Mr. Turner was really just looking for additional information. She will get some responses pulled together and add them to the SWPPP and send an updated version. She said the SWPPP is a living document and she encourages contractors to print it in a three-ring binder. The document is never complete, it's a working document that's always evolving. Chairman Bouchard asked about site security, was there a full-time security agent now on the property. Ms. Gesner said she didn't know and would need to check with the owner and circle back. She said she'd get a response over as soon as possible. They filed the NOI with the EPA and the 14-day waiting period has elapsed with the EPA, so she would like to know at what point would it be okay for them to begin land disturbance of more than one acre. Chairman Bouchard said from what he understood, the work that's being done right now doesn't involve any disturbance. Just vegetation is being cut to the ground surface, but no stumping. Ms. Gesner said that she has made it clear to them that they cannot disturb more than one acre of land until the 14-day period has elapsed with EPA and until they get the Commission's blessing. Member Yeatts said she would like to see Ms. Gesner's response to Mr. Turner's letter, but she thought what's important is the signatures. No one is listed on the subcontractor form. Ms. Gesner said they would get those signatures and it will be included in the resubmission. She explained that the SWPPP form is one they created internally, what happens on a lot of sites is you have three entities that you include, the owner, the general contractor, and the site contractor (who is a sub). For this project, the owner is acting as their own general contractor so there's really just two entities on this project. The owner and the site contractor, so the third subcontractor, there is no entity to fill in for this project. Member Yeatts said that in the Commission's Order of Conditions, they need names and phone numbers on all those people like the wetland's specialists. Ms. Gesner said that the SWPPP includes contact information both for

the owner and the contractor. She added that she could submit contact information for consultants on the project, but would submit that separately. Member Knox asked if they needed anything other than the contact information related to the SWPPP for them to proceed to disturb more than one acre. If the Commission gets that information and Chairman Bouchard is satisfied that they've received it, can they proceed? Chairman Bouchard said that was his understanding, that once he receives the material and he is satisfied with it, then we can proceed, it doesn't require another meeting.

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

Voted: to allow the Chairman/Agent to grant approval for the site work to proceed once he's satisfied all information has been obtained regarding the certification.

Four in favor, 1 abstention (Bouchard)

Potential new Commission member - Member Yeatts asked if everyone had gotten the email from Fred Frodyma regarding his qualifications. She asked if the other members wanted to meet him prior to asking the Selectmen to appoint him. Member Knox said he had met Mr. Frodyma at the town meeting and thought he'd be a good fit, but if everyone wanted to meet him, that was fine too. He thought it would be a benefit to the Board to have a full Board. He is currently on the Open Space Committee and Member Yeatts thought he could be the Commission's representative for Open Space. Member Knox asked if Mr. Frodyma had supplied a letter of interest. Member Yeatts said no, she had forwarded his email to Lia Fabian so she would know an appointment was coming. She said the Selectmen may want to meet him.

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

Voted: to have Chairman Bouchard write a letter of recommendation for appointment to the Board of Selectmen for Fred Frodyma to be their new member.

Unanimous approval.

New business - Member Yeatts said she spoke to Bridgette Bala who lives in one of the new houses on Highland Rd and County St. She is concerned that on the plan that she had that the wetland line goes across her backyard. She would like to know what she can plant. There was a brief discussion regarding the wetland line. Member Yeatts said she would forward the contact information to Chairman Bouchard.

Adjournment - (7:58pm)

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

Voted: to adjourn.

Unanimous approval.