

*FINAL – Approved by the Conservation Commission at their Tuesday, February 13, 2018 Meeting*

**Town of Lakeville  
Conservation Commission  
Tuesday, January 9, 2018  
7:00 PM – Lakeville Public Library**

On January 9, 2018, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library. The meeting was called to order by Chairman Bouchard at 7:00 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Mark Knox, Katherine Goodrow-Robinson, Caitlin Canedy and Keith Jensen, Richard Hagerman Associate. Members absent: Sarah Kulakovich Also: Nancy Yeatts, Conservation Agent. The Recording Secretary was absent. LakeCAM was recording the meeting.

**Hearings 7:00 PM**

**NOI – 81 Lakeside Drive - Bobola**

Chairman Bouchard read the legal notice into the record. The Engineer representing the applicant was present and provided information about the plan. He indicated that there are two (2) changes that have come about, which have not been reflected on the plan as originally provided. The hay bale line (siltation barrier) has been extended, as per the Agent, to behind the well. Then, the condition about a dewatering pit needs to be included. The Board of Health (BOH) has also adopted the two (2) compartment septic tank for all septic systems in Lakeville. The Engineer provided an additional four (4) large copies of the plan.

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

**VOTED: To accept the new plans for 81 Lakeside Drive.**

**Unanimous in favor**

Ms. Yeatts updated the Commission how she had added to the Standard Special Conditions the requirement that the Agent be emailed or texted to inspect the siltation barrier prior to the start of work.

**Upon a motion made by Member Knox; seconded by Member Goodrow-Robinson, it was:**

**VOTED: To accept the addition to the Standard Special Conditions the two (2) ways to contact the Agent in “writing” to examine the erosion control barriers/siltation devices prior to the start of a project.**

**Unanimous in favor**

**Upon a motion made by Member LeBlanc; seconded by Member Jensen, it was:**

**VOTED: To close the hearing for 81 Lakeside Drive and issue an Order of Conditions (OOC) including the additional siltation barrier behind the well, and a dewatering basin near the proposed well, and all of the Commissions Standard Special Conditions.**

**Unanimous in favor**

Ms. Yeatts explained to the Engineer that when she is invited to inspect the hay bale line it should be made sure that the dewatering basin has been established as well. It does not have to be referenced on the plan. This is a procedure which the Agent has done in the past.

**NOI – Lot 8 Ironwood Lane – Stonebridge Homes, Inc.**

Chairman Bouchard read the legal notice into the record. *Jennifer Delmore, of Outback Engineering, was present for the discussion.* It was noted that there are no abutters to the project, the only abutter is the applicant. Ms. Delmore went over the plan for project. She stated that the Bordering Vegetative Wetland (BVW) had been approved previously. This present Notice of Intent (NOI) is just one of many which will be coming forward to the Commission for each individual house which is proposed to be built.

Ms. Yeatts stated that she had received the verification letter which she had asked for. There will not be a well or septic system since there is no water at the site.

Ms. Delmore mentioned about discussing the other houses and whether they will need a Request of Determination of Applicability (RDA) or NOI's. Ms. Yeatts stated that she plans on discussing that with the Commission later this evening.

Member Knox pointed out that he would like to make sure that the fence being installed is a chain-link fence and not a stockade or wooden fence which would require a lot of maintenance down the road. He added that his additional concern is with the existing silt fence which was installed about 2016. Over time siltation barriers deteriorate, thus, will it be examined periodically, repaired and maintained as needed? Ms. Yeatts responded that since this condition is in the Commissions Standard Special Conditions, it is expected that as the work goes along for each house, the siltation barrier will be examined and shored up when necessary.

Ms. Delmore agreed that, that will be done. She then inquired if Ms. Yeatts wants to do additional inspections for each house and its siltation barrier.

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

**VOTED: To close the hearing for 8 Ironwood Lane/Stonebridge Homes, Inc. and issue an Order of Conditions (OOC) including all of the Commissions Standard Special Conditions.  
Unanimous in favor**

**NOI – 65 County Street – Paul E. Turner, Corp**

Chairman Bouchard read the legal notice into the record. *Mr. Jamie Bissonnette, of Zenith Consulting Engineers, LLC, was present for the discussion.* Mr. Bissonnette went over the proposal for the single family home. He asked if there could be one change made from the plan. He would like to substitute the silt fence with hay bales. It was noted that the Board of Health (BOH) has reviewed and approved the plan. Ms. Yeatts mentioned that she had a concern regarding the dewatering pit, is kind of far away. Mr. Bissonnette stated that if the location needs to change the Agent will be contacted. Ms. Yeatts suggested that when she is contacted to inspect the silt sock that the dewatering basin be all set up. Mr. Bissonnette explained that the dewatering basin was going to be put it in as needed, however, the mud pit will be closer to the

well. The dewatering basin is proposed for the footings if water is encountered when that work is being done. Ms. Yeatts added that her concern comes from what has happened when newer wells have been installed lately.

A neighbor/abutter from 61 County Street was present and asked to see the plan. Mr. Bissonnette reviewed and explained the plan to him.

**Upon a motion made by Member Knox; seconded by Member Leblanc, it was:**

**VOTED: To close the hearing for 65 County Street and issue an Order of Conditions (OOC) with the Commissions Standard Special Conditions. This OOC's includes the change of the erosion control barrier to haybales, along with additional erosion control, of a silt fence. And, a dewatering basin will be at the site of the well drilling.  
Unanimous in favor**

**NOI – Lot 2 Rhode Island Road – Paul E. Turner, Corp**

Chairman Bouchard read the legal notice into the record. He stated that at the applicants request the hearing will be continued.

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

**VOTED: To continue the hearing to Tuesday, January 23, 2018 at the Lakeville COA located at 1 Dear Crossing at 7 PM.  
Unanimous in favor**

**RDA – 29, 33, 35, 36 Riverside Drive - Poillucci**

Chairman Bouchard read the legal notice into the record. Mr. LeBlanc recused himself from the discussion and left the table. *Mr. Jamie Bissonnette, of Zenith Consulting Engineers, LLC, was present for the discussion.* Mr. Bissonnette went over the project. He stated that the project consists of two (2) RDA's, which are both on the same plan. Mr. Bissonnette is looking to have the wetland line, which has been approved previously, to be reconfirmed. The Agent has been out to examine the wetland line. When this development was originally being permitted it was found that part of it falls off onto Conservation Land. The majority of the resources are off of the site. Some work will take place in the buffer zone areas. With the rest of the work proposed, there is really no buffer zone impact at all. Both filings (this one and the next one) are before the Commission to reconfirm the wetland lines.

Ms. Yeatts explained that basically this project was looking to do the same as what the Commission just approved on a project with Mr. Maksy a little over a month ago at the Lakeville Hospital Property and verifying a wetland line that had already been flagged. Mr. Bissonnette stated that he has walked the line, however, at the bottom of the slope it does change drastically. The line had been flagged several years ago, however, before construction the line of work will be defined and the flags set in. He added that he will be filing NOI's for any work done in the buffer.

**Upon a motion made by Member Knox; seconded by Member Goodrow-Robinson, it was:**

**VOTED: To close the hearing for 29, 33, 35, & 36 Riverside Drive and issue a Positive 2A Determination of Applicability (DOA).  
Unanimous in favor**

**RDA – 27, 31 Commercial Drive - Poillucci**

Chairman Bouchard read the legal notice into the record. Member LeBlanc continued to recuse himself from the discussion and was not at the table. *Mr. Jamie Bissonnette, of Zenith Consulting Engineers, LLC, was present for the discussion.* Mr. Bissonnette went over the project. He stated that this is the same property as discussed for the previous filing, however, there is a different property owner.

**Upon a motion made by Member Knox; seconded by Member Jensen, it was:**

**VOTED: To close the hearing for 27, & 31 Commercial Drive and issue a Positive 2A Determination of Applicability (DOA).  
Unanimous in favor**

Member LeBlanc then returned to the table once both hearings had concluded.

**ANRAD – Lebaron Boulevard – The Residences at Lebaron Hills, LLC**

Chairman Bouchard read the legal notice into the record. *Jennifer Delmore, of Outback Engineering, Inc., was present for the discussion.* Ms. Delmore reviewed the wetland line with the Commission. The area is so steep that the brook is flooding right up to the bank, thus the reason for the lines (Top of Bank (TOB) and wetland flag (WF)) being so close together. The Top of Bank juts out in two points and the land bridges into the flooded area. Instead of a typical bank as usually seen for a stream, bankfull protection criteria was used to define the bank, since there was only slight vegetation change, there was not a clear line depicting change. Thus, the criteria is a bit different than what one would usually use. This point has been called out in the cover letter with the definitions used when it was flagged. A good portion of the area was walked with the Agent during a site visit. The Agent had communicated that she would like the opinion of the Commission regarding the line, and if they wanted to do a site walk.

Ms. Yeatts provided additional information regarding the wetland line and her report. Since the bank area is so flat, you cannot tell by looking where the actual stream is, so it has to be defined with flags to identify the limits of Thompson Brook. Ms. Yeatts specifically referred to Flag 27 and explained that it is difficult to identify soils in the winter. Ms. Yeatts then discussed histosols (plants forming under conditions of flooding soil mainly of organic materials) and distributed copies of 310 CMR which she was speaking of.

*2. Mean Annual High-water Line of a river is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of pointbars, changes in bank materials, or bank undercuts.*

*a. In most rivers, the first observable break in slope is coincident with bankfull conditions and the mean annual high-water line.*

*b. In some river reaches, the mean annual high-water line is represented by bankfull field indicators that occur above the first observable break in slope, or if no observable break in slope exists, by other bankfull field indicators. These river reaches are characterized by at least two of the following features: low gradient, meanders, oxbows, histosols, a low-flow channel, or poorly-defined or nonexistent banks.*

The Agent suggested that either the Commission go out and review the wetland line or maybe consider having a peer review. If the Commission is to go out for a site visit the hearing can be continued, however, a peer review can be started readily. Ms. Yeatts stated that she cannot say that Ms. Delmore is wrong, however, she is unable to say with confidence that she is correct. Ms. Delmore added that there will be hydric material in the systic soils. Ms. Yeatts explained that they are talking about extending the leaching fields and the setback needs to be 200 feet, thus, it is important to be clear where the line is.

Member Knox stated that looking at a stream and a wetland line are two (2) separate things. The plan is showing a stream and it looks like a flood zone, but the wetland line would supersede the stream bank if the wetland line is closer to the property line than the stream bank. There is a meandering brook where the line can be clearly seen in some areas. Ms. Yeatts agreed, there are two (2) different setbacks and two (2) different parts of the Wetlands Protection Act (WPA) for consideration, Top of Bank and Bordering Vegetative Wetlands (BVW).

After discussion Member LeBlanc stated that a Peer Review needs to take place. Ms. Yeatts agreed, a Wetland Scientist should be hired to verify the line. Ms. Yeatts explained that she is not as concerned with the lower part of the site, it is where further up it is flat. There is a steep bank. Both lines should be confirmed, the TOB and the WF.

**Upon a motion made by Member LeBlanc; seconded by Member Jensen, it was:**

**VOTED: To require a Peer Review for The Residences at Lebaron Hills, LLC.,  
ANRAD to define both the Top of Bank (TOB), Flags 1-58, and the Wetlands  
(WF) Flags 1a to 21a.  
Unanimous in favor**

**Upon a motion made by Member LeBlanc; seconded by Member Jensen, it was:**

**VOTED: To allow the Conservation Agent to set up the Peer Review for The  
Residences at Lebaron Hills, LLC., ANRAD to define the Top of Bank and  
Wetland lines.  
Unanimous in favor**

## **New Business**

- COC – Lot w-7 Kenneth Welch Drive – Woodview Corporation.

Ms. Yeatts stated that the building is built and they need to complete their project with the Certificate of Compliance which she has brought for signature this evening.

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

**VOTED: To issue a Certificate of Compliance (COC) for Kenneth Welch Drive,  
File #SE192-120.  
Unanimous in favor**

- Master Plan

Discussion did not take place this evening regarding the Master Plan.

- Approval of Minutes from November 14, 2017 and December 12, 2017

Member Chamberlain and Member LeBlanc pointed out a couple corrections to the meeting minutes of November 14, 2017.

**Upon a motion made by Member LeBlanc; seconded by Member Goodrow-Robinson, it was:**

**VOTED: To approve the Conservation Commission meeting minutes of November 14, 2017 with the changes as specified by the Commissioners.  
Unanimous in favor**

**Upon a motion made by Member LeBlanc; seconded by Member Goodrow-Robinson, it was:**

**VOTED: To accept the Conservation Commission meeting minutes of December 12, 2017 as written.  
Unanimous in favor**

- Approval of Bills (if necessary)

The Agent distributed the two (2) invoices around for signature.

- Nemasket River Landing (review and comment for Mass Housing)  
(27, 31 Commercial Drive)
- Residences at Nemasket River (review and comment for Mass Housing)  
(29, 32, 33, 34, 35, & 36 Riverside Drive)

Ms. Yeatts stated that there is a letter in the Commissions packet asking for comments on Commercial and Riverside Drives. A response is needed within 30 days. If the Commissioners have any comments they are to respond with them to the Agent. The Agent will provide an email tomorrow as a reminder.

- The Residences at Lebaron Hills, LLC – NOI vs. RDA

Ms. Yeatts explained that Jason Youngquist, of Outback Engineering, had originally told the Commission that they were going to come back and do individual filings for NOI's on each of the lots. Since then Ms. Delmore brought the maps in to review. An initial thought is if the house is almost all the way in or all in the buffer zone it should be an NOI. With a house nearly all the way out or out of the buffer zone it may be considered as an RDA. However, with houses that are half in and half out of the buffer zone, where does the Commission want to draw the line between asking for an RDA or an NOI? Member LeBlanc asked the Agent how she typically makes a determination on individual homes. Ms. Yeatts responded that it is usually for an NOI, however, with individual homes there is also a septic system with the home to take into account.

Chairman Bouchard commented that the Commission usually does not look at it as a certain percentage in or out, it is looked at whether there is an impact on the resource area or not.

Member Knox stated that if the Commission would make someone else file when it is in the buffer zone, then it should be an NOI, but if the house is all out, then it can be an RDA.

Member Chamberlain asked what DEP's position is with cumulative impact. Should the Commission be doing it all individually or look at the full impact and deal with it that way? Ms. Yeatts responded that individual filings have to be done. Member Chamberlain asked if then the overall impact is taken care of with the roadway and drainage system. Ms. Yeatts responded that it was.

Member Chamberlain noted that these are all propose locations, the actual locations may be different. Ms. Yeatts stated that she is considering the slope and how steep it is. For an RDA the house should be all the way out of the buffer zone, then judgment will take place for those with a slope, on the questionable ones. NOI's for houses in the 100' buffer zone and the handful that are questionable the Agent will go by slope. Chairman Bouchard agreed, as long as the Agent is consistent he did not see any problems. There will be some lots which an individual assessment or individual judgment is made if it does not fit into one criteria or another.

Member Knox stated that the criteria for the judgment is if the house is inside or outside of the 100' buffer zone, that is one factor for either an NOI or RDA based on the steepness of the slope. Second, if the house is right on the buffer zone but the land is steeply sloped in the buffer zone then Ms. Yeatts reserves the right to make a judgment. The criteria is the steepness of the slope and whether the house is in or out of the buffer zone. Ms. Yeatts stated that by having that criteria in place it will allow them to move forward in a much quicker manner.

Chairman Bouchard stated that he felt that the Agent should be given the authority to move forward based on the criteria.

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

**VOTED: To allow the Agent to make the determinations in her office with the consideration of; if the house is outside the buffer zone it will be an RDA, and if it is inside the buffer zone it will be an NOI. Only if the slope is within the buffer zone, will it be allowed to be an RDA, if it is a steep slope, then it is considered an NOI.  
Unanimous in favor**



The Agent, Ms. Yeatts and Ms. Delmore set a meeting time for next Thursday, January 18, 2018 to go over this.

Member Knox stated that his concern was that the silt fence remains up and maintained throughout the duration of the major construction since a silt fence usually only lasts about a year. Ms. Yeatts stated that it will be combination of both a silt fence and hay bales. After she has identified the parcels as an NOI or RDA, with Ms. Delmore, if Mr. Itani has any concerns about the decisions, he can return before the Commission.

**Schedule next meeting.**

The next meeting was scheduled for Tuesday, January 23, 2018 at the Lakeville COA.

**Adjournment**

**Upon a motion made by Member LeBlanc; seconded by Member Goodrow-Robinson, it was:**

**VOTED: To adjourn the Conservation Commission meeting at 8:15 PM.  
Unanimous in favor**

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Josh Faherty, student, was present.