

Approved by the Conservation Commission at their November 14, 2017 Meeting

**Town of Lakeville  
Conservation Commission  
Tuesday, September 26, 2017  
7:00 PM – Lakeville Town Office Building**

On September 26, 2017, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Town Office Building. The meeting was called to order by Vice-Chairman Chamberlain at 7:00 PM. Members present: Robert Bouchard (enter 7:07 PM), John LeBlanc, Joseph Chamberlain, Mark Knox, Caitlin Canedy and Keith Jensen, & Richard Hagerman Associate. Members absent: Katherine Goodrow-Robinson, and Sarah Kulakovich, Associate. Also: Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**7:00 PM**

**ANRAD – 1 Susan Lane – Vasseur (cont'd from 8-8-17)**

Chairman Bouchard read the continuance request for the hearing into the record.

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

**VOTED: To continue the hearing for 1 Susan Lane to October 10, 2017 at 7 PM at the  
Lakeville Public Library on 4 Precinct Street.  
Unanimous in favor**

**NOI – 63B Bedford St – Trask (Maher) (cont'd from 9-12-17)**

Chairman Bouchard read the continuance request for the hearing into the record.

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

**VOTED: To continue the hearing for 63B Bedford Street to October 10, 2017 at 7 PM  
at the Lakeville Public Library on 4 Precinct Street.  
Unanimous in favor**

Ms. Yeatts mentioned that she has had to pursue the Engineers, Contractors and applicants quite frequently to make sure that they would provide the request in writing (email) to continue their hearing. Member Knox suggested to add the matter as a discussion item under other business.

### **NOI – 18 Fuller Shores Road - Douglas**

Chairman Bouchard read the legal notice into the record. *Mr. Jamie Bissonnette of Zenith Consulting Engineers, LLC, was present for the discussion.*

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

**VOTED: To accept the new plan as received this evening from Zenith Consulting Engineers, LLC.  
Unanimous in favor**

Mr. Bissonnette reviewed the project with the Commission.

Ms. Yeatts, Agent, stated that the filing is for a septic system upgrade. Member Knox asked if there were any anticipated issues with dewatering near the tanks. Mr. Bissonnette responded that there may be the need to do some dewatering. There was discussion about the location of the dewatering basin. The Agent had no problem if it had to be moved some.

Member Chamberlain asked if the amount of soil being removed was known. Mr. Bissonnette responded that there will be about 7 feet-8 feet of soil which will be used to build up the sides of the system and the area will be loamed and seeded. Member LeBlanc asked where the driveway was. Mr. Bissonnette responded that there is not really a driveway, it is a grass/gravel area. Member Chamberlain asked if the property was seasonal or year round. Mr. Bissonnette responded that he believes it is year round and that there are no restrictions on it.

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

**VOTED: To close the hearing for 18 Fuller Shores Road and issue an Order of Conditions (OOC) including all the Conservation Commissions Standard Special Conditions.  
Unanimous in favor**

### **NOI – 121 Hemlock Shore Road - Starkie**

Chairman Bouchard read the legal notice into the record. *Mr. Jamie Bissonnette, of Zenith Consulting Engineers, LLC, was present for the discussion.* Ms. Yeatts stated that new plans were received today from the Engineer.

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

**VOTED: To accept new plans as received today from Zenith Consulting Engineers.  
Unanimous in favor**

Mr. Bissonnette then reviewed the project with the Commission. He stated that last week he had received approval on the project from the Board of Health. The tank will be moved three (3) feet further from the property line, check dams will be installed to help deter water from migrating to abutting property. Ms. Yeatts had asked for the erosion control to be extended after

speaking with a concerned abutter. It has been extended on both sides. The dewatering basin is depicted on the plan.

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

**VOTED: To close the hearing for 121 Hemlock Shore Road and issue an Order of Conditions (OOC) including the Conservation Commissions Standard Special Conditions.  
Unanimous in favor**

**Amended Order of Conditions – 26 Dunbar Road – Mastrangelo**

*Robert Rego, P.E., LSP of River Hawk Environmental, was present for the discussion.* Chairman Bouchard read the legal notice into the record. *Abutters present: Jeffrey and Ruth Bernier of 28 Dunbar Road.* Ms. Yeatts stated that the engineer was contacted regarding the siltation barriers which were in poor condition upon her site visit. An Enforcement Order was not necessary because the siltation barriers were repaired immediately. The Agent distributed pictures for the Commission to view the condition of the site. The Agent will re-visit the site to make sure that everything is in compliance.

Mr. Rego explained that when the NOI was issued by the Commission in 2016 there was a well being shared by two (2) property owners which resulted in very low water pressure. The owners would like to install a new well which would be about 45 feet from the Bank of Long Pond. They would also like to include a full foundation to support the deck. Therefore, the request before the Commission is to amend the initial Order of Conditions (OOC) to include the full foundation for the deck and a well.

Ms. Yeatts asked if there will be a slab for the base or a full footing. Mr. Rego stated that there will be a 4' frost wall with fill inside the frost wall. Ms. Yeatts stated that due to the proposed scope of work she would be looking for a licensed dewatering truck to be present on site, for the well drilling and there will definitely need to be a dewatering basin as the foundation is full of water. The dewatering basin needs to be depicted on the plan.

Mr. Rego asked if a dewatering basin and dewatering truck will still be needed if the site is dry when the foundation is put in. Ms. Yeatts explained that an Order of Conditions cannot be issued without a plan including the dewatering basin.

Jeff Bernier, abutter at 28 Dunbar Road, stated that he has a concern with the runoff since there is a lot of clay in the soil. How will the runoff be mitigated to abutter's properties when it rains and building is taking place?

Mr. Rigo asked if Mr. Bernier was experiencing that now. Mr. Bernier responded that the property is always wet where the gazebo would be. Mr. Rigo stated that the water is not directed that way, however, he can have additional erosion controls installed. Mr. Bernier expressed his concern that his property could be flooded. Mr. Rigo stated that the erosion control barrier can be extended and once construction is completed it will not be an issue since the land slopes to the pond.

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

**VOTED: To close hearing for 26 Dunbar Road and issue an Amended Order of Conditions, which includes the Commissions Standard Special Conditions and that a licensed dewatering truck will be on site during the well drilling.  
Unanimous in favor**

### **Other Business**

- COC – 146 Howland Road – Costa

Ms. Yeatts stated that the grass is growing in very well at 146 Howland Road.

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

**VOTED: To issue the Certificate of Compliance (COC) for 146 Howland Road.  
Unanimous in favor**

- COC – 119 Hackett Ave – Khudairi

Ms. Yeatts provided a brief history of the project and showed pictures of how well the plants are now growing in the micro pools.

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

**VOTED: To issue a Certificate of Compliance (COC) for 119 Hackett Avenue.  
Unanimous in favor**

The Agent let the Commissioners know that she has been having a difficult time with submittals not being complete when they are submitted and she and the Clerk have to make calls to gather all the necessary information for the Commission to make an informed decision. The real concern about this is if the plans or the application haven't been submitted as required, then the homeowner is the one who is ultimately paying for this additional work when it should have been supplied with the initial application. This could change the timeline for approval.

Another problem has been when a hearing needs to be continued calls have to be made by the Agent or the Clerk to the applicant or their engineer for the continuance to be submitted in writing (through email). The applicant or engineer should know that this needs to be done.

Member Knox suggested to add; the topic of Submittal Requirements, to the next meeting agenda. Ms. Yeatts will provide the Wetlands Protection Act provisions.

- 107 Hemlock Shore – Enforcement Order

Copies of the new plans were provided. *Evan K. Watson, from Prime Engineering, was present for the discussion along with owner, Denis Loranger and another gentleman.*

**Upon a motion made by Member Chamberlain; seconded by Member LeBlance it was:**

**VOTED: To accept the new restoration (Repair Plan) for 107 Hemlock Shore Road as presented from Mr. Watson, P.E. of Prime Engineering.  
Unanimous in favor**

Mr. Watson reviewed the Enforcement Order with the Commission. Natural Heritage sent a letter (see attached). Mr. Watson had a copy of the sample fill and claimed that there is no erosion nor hazardous materials or abc waste. There might have been a nail and some glass but that came from work being done on the house. The Commission is concerned that the concrete might be leaching lime into the ground water. Member Chamberlain asked what the ph was of the soil. Mr. Watson stated that he did not send the fill out for any testing. He used a Photo Ionization Detector (PID) to screen for the presence of petroleum. Multiple samples were taken and there was no evidence of petroleum in the soil at all, therefore he stated that the fill should be considered clean construction fill. Member Chamberlain asked if the ph of the fill could be estimated. It was Mr. Watson's opinion that once concrete has cured there is no effect to surrounding soils which could otherwise be created by the concrete's ingredients. Mr. Watson stated that there is actually vegetation growing out of the fill which he will show pictures of.

Mr. Watson then stated that the resource area is a bank and according to his interpretation of the 310 CMR 10.54(4) performance standards for work on a bank it shall not impair;

- a. *The physical stability of the bank* No stumps were pulled and the bank remains stable
- b. *The water carrying capacity of the existing channel within the bank* the water carrying capacity of Long Pond was not altered
- c. *Groundwater and surface water quality* Erosion controls are now in place to protect surface water quality. There is no effect to groundwater quality.
- d. *The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries* the topography of the bank was not altered. No food supplying vegetation was observed on the adjacent properties. The Department of Fisheries and Wildlife (NHESP) will be consulted to verify.
- e. *The capacity of the bank to provide important wildlife habitat function* The NHESP will be consulted to verify.

The Agent stated that they installed a compost tube all the way around where the fill was placed, initially there was a small straw wattle barrier that was in poor condition. Ms. Yeatts stated that she also had photographs for the Commission to view.

Mr. Watson stated that at this time the vegetation on the hillside is alive. He stated that typically one would take a stick, cover it with rooting compound and insert it into the ground to begin growing. However, with the vegetation currently growing from the original trees, he felt that, the vegetation should just be allowed to grow and not be disturbed, just monitored. Regarding the fill in the buffer zone, which was done without permission from the Commission, it will be moved back. The applicant's goal is to rehab the house and the site. The erosion control will be left in place, and the applicant will continue rehabbing the house, then, file a permit to finish rehabilitation of the site. Any additional work will require a filing of a Notice of Intent. Mr. Watson then showed pictures of the site.

Member LeBlanc asked if something else was being proposed where the fill is. Mr. Watson explained that the fill was only brought in to gain access to the back of the site to bring in the equipment to cut and remove the trees. The fill will be removed from that area and placed further back; all disturbed areas will be seeded. Mr. Watson distributed photographs for the Commission to view of the slope showing new growth (shoots) on the stumps. He suggested that just a bark mulch product be on the slope as is mostly there right now. He added that once his client learned about the problems on the site he contacted Prime Engineering since he wants to make sure things are done the right way going forward. At this time it is hoped to move forward with what has been proposed this evening.

Member LeBlanc stated that a vote from the Commission would only be after the guidelines and instructions are received from NHESP. Natural Heritage and Endangered Species Program looks at the area specifically for the endangered species, and if their habitat has been impacted. The applicant has done what he was directed to do at the last meeting of the Commission, at this time nothing can be done until word is received from NHESP, and then the Commission will know how to move forward.

Member Knox stated that the product Mr. Watson had provided in the bag from the site is not concrete, it is crushed concrete. When concrete is used for bridges, or other projects, once it cures, it is set, however, it could be high in alkaline now that it is in a pulverized form. The Material Safety Data Sheets (MSDA) have been emailed to the Clerk and should be reviewed. Member LeBlanc suggested for it to just be removed. Ms. Yeatts asked if this might be a problem to the wells in the vicinity.

Ms. Yeatts directed Mr. Watson to send the proposal and the pictures to NHESP, specifically, Emily Holt. Mr. Watson agreed to provide the materials to Ms. Holt.

Ms. Yeatts stated that the work will be done through the Enforcement Order. Mr. Watson stated that he has advised his client that a Notice of Intent (NOI) should be filed to do the work on the house; however, at this time he does not have the funds for additional filings and permitting fees.

Ms. Yeatts stated that once everything is received by NHESP, they have 30 days to respond. The matter will be on the agenda for the Commission meeting on October 24, 2017 at 7 PM at the Town Office Building.

- 332 Bedford Street Letter

Ms. Yeatts distributed a packet of information about this project. She has been trying to work on it with Mr. Bissonnette, and Mr. Zager, of Zenith Consulting Engineers. This has been an ongoing project with Bill Bachant Builders. Mr. Bachant had contacted the Agent and asked for a timeline of the issues associated with the project from its onset. The Commission reviewed the draft letter written by the Agent. Ms. Yeatts noted that there are issues with what was proposed on the original plan and the as-built as submitted. The driveway was supposed to be sloped, away from wetlands and riverfront area, however, it was not. The culvert is listed as 24" and it is really an 8" culvert. There is a stonewall depicted on the as built which does not exist on the property.

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

**VOTED: To send the letter to Bill Bachant regarding 332 Bedford Street as written by the Agent.**

**Unanimous in favor**

Ms. Yeatts stated that she had earlier provided a brief update on 44 Cross Street. At this time, the orders are all ready to go; however, an updated plan is needed from the engineer before this can be done.

**Schedule next meeting.**

The next meeting was scheduled for Tuesday, October 10, 2017 at the Lakeville Public Library at 7 PM.

**Adjournment**

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

**VOTED: To adjourn the Conservation Commission meeting at 8:35 PM.**

**Unanimous in favor**

Josh Flaherty, student, was present

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