

*Approved by the Conservation Commission at their March 24, 2015 meeting*

**Conservation Commission  
Meeting Minutes  
Tuesday, March 10, 2015**

On March 10, 2015, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library – Conference Room. The meeting was called to order by Chairman Robert Bouchard at 7:01 PM. Members present: Robert Bouchard, Joseph Chamberlain, Linda Grubb, Hugh Rogers, Jr., Martha Schroeder, Derek Maksy, Sara Kulakovich, Associate Member (enter 7:17 PM), and Nancy Yeatts, Conservation Agent. Members absent: Ryan Trahan (prior notice received) Also: Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**7:00 PM NOI (Notice of Intent) Water Street/Water Street Crossing LLC**

This hearing is a continuance from 2-10-15, regarding the wetland line and the soils. At 7:25 Robert Poilluci was present with John Pink in Kevin Walker's stead.

Chairman Bouchard acknowledged Mr. Poilluci and Mr. Pink. A copy of the logs had been provided to Member Grubb which were then provided to Ms. Yeatts. Ms. Yeatts stated that she would have to cross reference the logs since they had been done at the original flagging June 2014. She further recommended that the Conservation Commission schedule an additional meeting on March 24, 2015 due to the weather conditions changing. The snow is beginning to melt quickly and it is anticipated that a site visit will be able to take place in order to verify the wetland. The next regularly scheduled meeting is April 14, the second meeting of the month is typically held for Conservation business matters. Ms. Yeatts will conduct the site visit with Marcus Phinney. Mr. Poilluci stated that he is hoping to hear back from the state in another 30-45 days since they are working on his approval. He stated that the buffer lines he is looking for an answer on are only 50 feet away and he just needs to know if he will have to go to DEP. He does not want the matter to turn into something that will last months and months. Ms. Yeatts stated that there is a need to verify a line that has not been seen. Member Grubb stated that there is a corner of a building (Building #7, porch) on the line which could make a difference in her opinion. Chairman Bouchard asked that Mr. Poilluci be patient for just a few weeks more in order that there is bare ground so that the agent can verify the lines. He added that if the Conservation Commission saw an extreme "red flag" it would be called out. Ms. Yeatts stated that her previous concern was regarding the fact that it was noted that there would not be drainage in the buffer zone, however, the plans showed that there was drainage in the buffer zone. That language description has been corrected and provided to DEP.

**A motion was made by Member Maksy; seconded by Member Chamberlain and it was:**

**VOTED: To continue the hearing for Water Street to March 24, 2015 at 7 PM at the  
Council on Aging.  
Unanimous in favor.**

**7:00 PM NOI (Notice of Intent) 18 Lakeside Avenue/David Horton**

This hearing is a continuance from 2-10-15. The client has asked for the hearing to be continued.

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

**VOTED: To continue the hearing for 18 Lakeside Avenue to Tuesday, March 24, 2015 at 7 PM at the Council on Aging.  
Unanimous in favor.**

**7:00 PM NOI (Notice of Intent) 26 Plymouth Street/Fred & Sharon Lally**

Chairman Bouchard read the notice of the hearing into the record.

*Jamie Bissonnette, Engineer with Prime Engineering presented the plans.* This is for a septic system upgrade on an existing year round residential dwelling on Long Pond which currently has a shared well. The well is testing positive for coliform and bacteria. It is being proposed to replace with an advanced treatment system with a sand bottom. The well is to the south of the property. The matter has already been before the Board of Health for approval. They have approved the fourteen (14) variances on the plans. A copy of a letter dated 2-25-15, was distributed. The letter was from Charles Kennedy, Assistant Superintendent New Bedford Department of Public Infrastructure, Water Division. Mr. Kennedy expressed his concern of how close the septic system will be to Long Pond and suggested that a tight tank be considered due to the close proximity of the pond. Discussion took place regarding local and state variances. Mr. Bissonnette felt that it is a fantastic system. If one compared two cups of water, one regular glass of water with one after it has been through the system; one would not be able to tell the difference, the water is odorless and colorless. There will be an Operation and Maintenance plan in place for two years as required by the DEP. There will be a deed restriction for two (2) bedrooms. Testing will take place twice the first year and once the second year making sure that the system is functioning within specified parameters. The system is computer controlled with its cycling and can make adjustments to the volume in the tank depending on any events taking place at the site such as a social gathering. Ms. Yeatts asked that the Conservation Commission be provided a copy of the reports that will be provided to the DEP and the BOH. The retaining wall, which is made of cement, is clearly on their property, if it is damaged, it will be addressed, otherwise, it will be left as it is. The wall does appear to have a slight lean to it. The Conservation Agent has visited/viewed the site.

**Upon a motion made by Member Maksy; seconded by Member Rogers it was:**

**VOTED: To approve the project subject to the Lakeville Conservation Commission  
Standard Special Conditions and receiving a copy of all Inspection Reports.  
Unanimous in favor.**

Member Schroeder stated that she wanted it to be clear that the Commission is uncomfortable ruling on a matter that the City of New Bedford has clearly indicated that they are uncomfortable with.

## **7:00 PM NOI (Notice of Intent) 71 Highland Rd./Goddard Consulting**

Chairman Bouchard read the notice of the hearing into the record.

Nichole Hayes was present from Goddard Consulting and John Pink from Azor Land Sciences. An additional check in the amount of \$250 that was not included in the original filing was provided to the Clerk. Ms. Hayes went over where the wetlands are, the grading, which is within the 100 foot buffer and the proposed well. There was discussion of the stream crossing. The stream will be crossed with an Open Box Culvert allowing for wildlife habitat to cross and allowing for water flow. Existing bank conditions will be recreated. The project meets all of the performance standards.

Ms. Yeatts stated that the culvert is very close to the property line and intermittent stream was on the property line, thus how will it be protected? Ms. Hayes stated that an ANRAD was passed in November 2013 which determined that it was intermittent. The siltation barriers were noted with explanation of the plans. Ms. Yeatts asked that the proposed construction sequence for the Open Box Culvert be included so that the Conservation Commission is aware when that work is taking place. Ms. Yeatts recommended that the work occur during low or no flow water conditions and the Commission will want to specify the months. It is not known exactly when this may be since conditions vary considerably from year to year. The Commission should be contacted when there is little or no water flow. In the past the Commission has been notified of conditions after a rain event. Ms. Hayes suggested that that be made a special condition. Ms. Yeatts stated that the reporting that the Commission requires is that provided by the City of Taunton. Thus, after a rain event of ½" as registered by Taunton the site will be re-inspected. Member Maksy added that construction would be supervised by a wetlands specialist, their contact information will be provided at a pre construction meeting. Member Grubb stated that the word should needs to be changed to shall in the Order of Conditions which is a legal document. Ms. Yeatts asked how the banks of the channel will be stabilized. Mr. Pink responded that jute will be used or a similar stabilizing material. Seeded matting will not be used. Member Schroeder asked about the driveway, flood storage, the level of the roadway and if it was going to be paved. Mr. Pink stated that he feels that they will pave it, if it is left gravel it will wash out. Ms. Hayes explained that they will comply with Massachusetts Regulations regarding compensating for elevation. Soil will be replaced at each elevation to compensate. Member Maksy asked if the culvert will be able to absorb all the impact of the flooding. The Commission does not have information on the elevation of the road. Mr. Pink stated that he would prefer them to pave at least near the crossing. Member Chamberlain asked if there would be side rails to prevent a vehicle from driving off? Mr. Pink responded that one has not been proposed. Minor discussion took place regarding plowing and dirt, gravel, sand, oils, etc. being plowed into the water. Also the pros and cons of paving vs. not paving were discussed. Ms. Yeatts asked how the Commission would make a decision not know if the area is going to be paved or not and noting that this is a Plan of Record. She also requested that the siltation barriers be extended. Member Maksy stated that he would be in favor of extending the siltation barriers. It was agreed that the siltation barrier would be extended where the A - B line is. The west side of driveway. This will then match with what is on the other side.

Abutters (Michael & Beth Barra, Barbara Asor, Ron Silvia, Brian Camacho) then asked a few questions relating to the box culvert, the elevation from the ditch to the top of the culvert, and expressed their concern about the slopes holding vegetation. Nicole explained that there would

not be any wing walls, the box culvert would be open on both ends, jute or similar (rip-rap) will be used to stabilize banks, but there would not be any seeding added, the bank would be created 1-1 and 2-1 as pre regulations.

Ms. Yeatts went over the conditions. The work shall occur during little or no water flow. If it does not significantly dry then divergent pumping will be done using an imbedded pump. She stated that if it is not dry, the Commission would be notified in advance, for an amended order of conditions. Hay bales can be used to hold back water. Member Grubb asked to eliminate #4. How utilities will be provided is not known at this time.

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

**VOTED: To approve the project subject to Lakeville Conservation Commission Standard Special Conditions, work in the resource area shall be supervised by a Wetlands Scientist that will contact the Agent with a schedule of work. Work shall occur during low or no flow of water, summer through fall. If it does not significantly dry the Commission will be notified in advance, for an amended order of conditions. The channel will be formed with loam and stabilized with jute or similar matting material. The siltation barrier will be extended along the west side to match the east side. Special conditions before, during and after construction will be adhered to. This plan allows the driveway to be paved (if it is decided that it will be paved).  
Unanimous in favor.**

#### **7:30 PM NOI (Notice of Intent)149 Staples Shore Read/Kevin & Maria Bernardo**

Chairman Bouchard read the notice of the hearing into the record.

*Nelson Bernardo, Engineer and Kevin Bernardo, applicant, were present for the discussion.* Mr. Bernardo went over the proposed plan. The applicant and engineer have gone through the plans to minimize the impacts to the site. The existing footprint is 751 square feet. The attachments to the NOI have the break-down of the areas that will be covered. Member Grubb stated that one total amount figure is to be provided regarding coverage and presently there are several figures. It does not appear that the coverage is 25%. Mr. Bernardo stated that the retaining wall that the neighbors have will be extended for shoreline and ice protection. No heavy equipment will be used to do the work. The BOH has approved a presby system which will be monitored. The system is less than half the size of what is presently in place. There will be no need for a reserve system. Ms. Yeatts stated that they will need a Chapter 91 license due to the wall. She stated that the applicant has worked with her regarding establishing hay bale lines, etc. She has asked for a licensed dewatering truck to be on site. She acknowledged that they did accommodate the project to the new flood zone regulations at the height of 57'. Mr. Bernardo stated that they want to have their project built correctly and welcome any suggestions. Presently there is no electricity on the site since it was cut off in 2010. Everything is being raised up, this is more costly, however, in the long run the area will be better off. Ms. Yeatts recommended to approve the project with the Conservation's Standard Special Conditions, and conditions prior, during and after construction. Also, to have a de-watering truck in the field if necessary along with a Chapter 91 license applied for. Member Grubb stated that she would like the plans corrected to accurately reflect the amount of lot coverage which will include the driveway.

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

**VOTED: To approve the project with the Conservation's Standard Special Conditions, and to conditions prior, during and after construction. Also, to have a de-watering truck in the field if Agent deems necessary, a Chapter 91 license is needed for the retaining wall. The plans are to be corrected to accurately reflect the amount of lot coverage which will include the driveway.  
Unanimous in favor.**

**7:30 PM NOI (Notice of Intent) 53 Nelson Shore Road/Carl & Carol Huerth Trustees**

Chairman Bouchard read the notice of the hearing into the record.

Jamie Bissonnette, Engineer was present to provide explanation on the plans. Mr. Bissonnette stated that the driveway has been modified in order to be in compliance of flood regulations that will become effective in July. There is a present Chapter 91 license on the property which will be modified. There is a large area of crushed stone along one side which acts as a driveway and to bring a boat back and forth to the water. It is not being proposed to have any construction take place on the back area of land. The type of house being proposed is a ranch style house on a concrete slab. The tank has been relocated in accordance with Lakeville's new tank regulations and it will be a new 1000 tank. It will pump up to the existing septic. The infiltration system has been designed for the roof vents for a 2.5" rain event. On the north side of the property, a retaining wall is proposed with running rock blocks and a chain link fence built into the wall as a buffer for the wetlands. No pavement is being proposed, but crushed stone for the driveway. Regarding flood compensatory storage, it is proposed for a loss of 76.5 cubic feet and replication at the opposite area, this will be a 1-1 replacement. Ms. Yeatts questioned the additional piece of land counting on percentage coverage. Mr. Bissonnette will speak to the ZBA on this matter as he prepares for the ZBA filing. He stated that there is a deed restriction from the BOH for a three (3) bedroom home at most. Member Chamberlain asked about the reason for the garage elevation? Mr. Bissonnette explained that this was specified by the architect. The dock will be aluminum and the specifications of the manufacturer (FWM) will be included. When building a retaining wall they will need to relieve the hydro static pressure and have the ground water going out to the pond through a pipe since there is no other place to send it. The installation of the drainpipe from the retaining wall that goes past the siltation device shall be hand dug or excavated by a shovel. Member Schroeder asked about the existing trees and what would happen when the area is replicated from one end to the other, understandably not knowing the condition of the trees. Mr. Bissonnette responded that it is hoped to retain the trees, they will be wrapped with silt sock. Ms. Yeatts asked about the cleaning out of the drains and the types of drainage systems that would be in place. Mr. Bissonnette responded that there is typically a "Y" with an overflow spillway. It can be made a condition that the details of the drainage will be provided to the Agent. Dewatering will place up on the other area, at the lower corner to try and keep it outside of the 100 foot buffer. However, there is some vegetation that has crept down, so it may have to be lower in the corner. Ms. Yeatts stated that the Commission has mandated in the past to take it off site if necessary. Discretion has been left to the Agent. Mr. Bissonnette explained that the applicant is anxious to get the project started, thus they may need to do the



dewatering. Ms. Yeatts stated that she would recommend the project with the same conditions as the previous project.

**Upon a motion made by Member Maksy; seconded by Member Rogers it was:**

**VOTED: To approve the project with the Lakeville Conservation Commission Standard Special Conditions, and condition before, during and after construction. The installation of the pipe from outside of the siltation barrier retaining wall will be completed with a hand shovel. Any paving of the proposed stone driveway will require filing a new amended order with the Conservation Commission. Mr. Bissonnette will provide the new “Y” overflow connection information for the roof drain, the cleaning (maintenance) schedule/plan. There shall be a licensed dewatering truck on site, at the Agent’s request, if deemed necessary. Unanimous in favor.**

**7:30 PM Meet with M. Baptiste, J. Bissonnette, Attorney R.Mather regarding 7 Main Street**

*Marcus Baptiste, Developer, Jamie Bissonnette, Engineer and Robert Mather, Attorney, Brian Madden, LEC Environmental, were present for the discussion.* Attorney Mather took the floor to present the proposed project for 7 Main Street. He stated that it is a significant project for the Town. Don Foster, ZBA, had suggested that the project be presented ahead of time in order to seek input from the various Town boards. Mr. Baptiste is the owner of the CVS site. He has done that development and paid for half of the design planning, and traffic light installation at that intersection. The proposed project will be located at the intersection of Route 79 and Main Street. There is an existing house and barn on the site. Various issues have been identified at the site. There will be a need to go before the ZBA for a special permit. This project will have a full service convenience store, deli, coffee and donut shop. Attorney Mather then spoke on the Vernal Pool. It is a certified Vernal Pool. Mr. Madden also spoke of the vernal pool. Presently there is some drainage with Mass Highway and Route 79 since there is a permanent easement. There is a detention basin, connecting piping and catch basins with manhole structures. There are inlets and culvert connection from one side to another. This information has been taken from mass highway plans. The water can flow back and forth. The soil is sandy and typically rather dry and relatively flat. Member Schroeder stated that this is new information, a lot of effort went into trying to find that connection and it could not be found. Mr. Bissonnette stated that when Kurt was digging the site he encountered the pipe. Ms. Yeatts stated that it is not known if it is even functioning as a vernal pool. Mr. Madden put up an aerial view and went over it. He stated that they did look at opportunities to do habitat enhancement like planting some woody shrubs just outside 25’ buffer but outside of the work areas. To put in such plants as; flowering trees, small trees, birches, American holly, etc. Presently there are some trees with bittersweet choking them so some selective management could be done to help with their growth. He indicated that he did the Natural Heritage permitting for the redesign of Route 79, construction of Route 79 and all habitat areas north of 79. It is not anticipated having to file, but this is to make the Conservation Commission somewhat aware of and in approval of the project. Attorney Mather explained that they are present this evening looking for positive support. It is understood that the Commissioners are also residents of the Town and it is hoped to have this project be transparent

and presented for any input, etc. Discussion took place regarding the vernal pool and whether or not it will have fencing and the positives and drawbacks of fencing.

### **Other Business**

Accept minutes 2/10/15 meeting - the Clerk will make a hard copy of these minutes to present to Conservation Commission for approval at their next meeting.

Re-sign Gateway Commons amended OCC's (SE-192-706 & SE192-609) - this item was taken off of the agenda for this evening.

M. Schroeder – Tamarack Park – Eagle Scout Project

Member Schroeder briefly updated the Commission regarding an Eagle Scout who would like to create a kiosk for displays at Tamarack Park. This is Conservation Commission property. The Scout will be raising money to do this and the cash would benefit the Conservation Commission.

### **Old Business**

There was no old business presented for discussion.

### **New Business**

Ms. Yeatts distributed the budget. Brief discussion took place on the budget. Ms. Yeatts stated that she will be meeting with the Board of Selectmen to discuss the budget on March 16, 2015.

Ms. Yeatts noted that the Commission had received correspondence from the Selectmen wanting to set into place a Zoning Bylaw Committee and they are looking for the recommendation of a member from this board. Ms. Yeatts indicated that she did not mind serving in this capacity.

Member Kulakovich briefly provided an update regarding the Boy Scout House/Cowboy House and how a 501C had been applied for. She will provide updates on the topic to the Commission via email.

### **Schedule next meeting**

The next meeting was scheduled for Tuesday, March 24, 2015 at 7 PM at the Council on Aging.

### **Adjournment**

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

VOTED: To adjourn the Conservation Commission meeting at 10:21PM.  
Unanimous in favor

ConComm3-10-15final