

Town of Lakeville
Conservation Commission
April 11, 2023, at 7pm

Members present: Chairman Robert Bouchard, John LeBlanc, Josh Faherty, Mark Knox, Joseph Chamberlain, and Nancy Yeatts. Chairman Bouchard called the meeting to order at 7pm. This meeting was recorded by LakeCam.

Cowboy Shack - Chairman Bouchard said documentation was given to the Commission on proposed expenses to finish work being done at the cowboy shack. He said they are trying to get that funding approved. He didn't think anyone would object to the sum, as there were many donations to the project. Member Yeatts said she thought something like this could be covered by CPA funding. She said they will begin accepting applications on the 17th. Chairman Bouchard asked how long the process would be. Member Yeatts answered that it wouldn't be until fall town meeting. Donald Bissonnette said he started the project 5 years ago and they're almost finished. The big things left are the bathroom and heating. If they could finish up the bathroom they could use the building for the summer and fall, and after fall town meeting they could finish up the heating. Member Chamberlain said he had a discussion with the Town Administrator and he didn't seem to think there would be a problem covering this one way or another. Chairman Bouchard said he would have another conversation with the Town Administrator and see what he could do. He said he would get back to Mr. Bissonnette with an answer. Mr. Bissonnette asked if he kept going forward and paid for the materials himself and kept the receipts, he wouldn't mind doing that either if he could get reimbursed. Member Chamberlain said that would be at his own risk as they can't make any guarantees. But, he saw no reason why the town wouldn't reimburse him. The Commission thanked Mr. Bissonnette for all the effort he had put into the project.

17 Shore Ave - Notice of Intent - Dean's Point Survey Consultants - proposed septic replacement. Chairman Bouchard read the legal notice into the record. Bob Lucey from Dean's Point was present for discussion. They are proposing to upgrade the septic system with a tight tank. Member LeBlanc asked if the Board of Health had signed off. Mr. Lucey said they had. Member Knox asked if they were going to decommission the old tank with sand. Mr. Lucey said it was a metal tank and they would be running the pipes through there, so they would probably just pull it out. Member Knox asked if it was a seasonal dwelling. Mr. Lucey said it was a two-bedroom seasonal dwelling. Member Yeatts said on Shore Avenue, historically, they've had problems. She didn't see a dewatering pit. In the past, they have had to have dewatering trucks on site. Mr. Lucey said number 7 on the construction notes was dewatering activities. Member Yeatts said it wasn't shown on the plan, and by the time they figure out they need it, it might be too late. There's a lot of problems on Shore Avenue because the water levels are pretty high. Mr. Lucey said there was really no place for it to go, which was why they recommend a silt dewatering bag. Member Chamberlain said he saw the abutter receipts, but didn't see a list from the assessor's office of abutters. Mr. Lucey provided the certified abutters list. Member Yeatts said the notification to Natural Heritage didn't go out until 3/24/23, so we wouldn't be able to write an Order of Conditions until 4/24/23. If Natural Heritage wants to add conditions, we can add it to our Order of Conditions.

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 standard conditions. Additionally, a phone number for a dewatering truck is to be available, will be given to the Agent and should be on site. Any additional conditions from Natural Heritage will be added, should they comment. The Order of Conditions will not go out until after 4/24/23.
Unanimous approval.

Documents: Notice of Intent, site plan

69 Kingman St. - Notice of Intent - Foresight Engineering - proposed single family home. Chairman Bouchard read the legal ad into the record. Darren Michaelis was present for discussion. Mr. Michaelis said the owner is proposing construction of a new home on property that he owns, that contains existing bogs. In order to change the bog from a dry pick to a wet pick, he's going to round off the bog corner as shown on the plan, to create a parking area for the trucks to get loaded with a wet pick. For construction of the home, the septic has been moved as far away from the resource area as possible, outside of the riverfront area. The dwelling has been put as close to the property line as possible. The existing bog road will be used for access so there won't be any pavement going in. The grading will be minimal in the front yard. The septic will be pumped up the hill. Member Yeatts asked if they were filling in the bog. Mr. Michaelis said yes, according to 310 10.04 c1d, he is allowed to round off the bog and square off corners for truck parking, access and maintenance. He's going to connect flag W210 to W26 and create a new ditch in that direction. And then from there toward the embankment, build an area for parking for large trucks. Member Yeatts said there are wetland bogs and upland bogs, and Mr. Michaelis was citing something she hadn't heard of, that you can just fill in a wetland bog. Mr. Michaelis said this was an upland bog fed by a pump. The problem has always been the resource of water available, that's why they didn't wet pick. The new owners will be coming back before the Board at some point to propose a new pond within the bog area to feed the bog and store water. He is planning on maintaining the bogs and picking them. Member Yeatts asked if the bog was included in the calculation of upland. Mr. Michaelis said he did not include the bog. There was a discussion regarding construction. Member Faherty asked if there was a calculation associated with the amount that you can fill the bog under the agricultural exemption. Mr. Michaelis said not when it's a dry bog. He's allowed to round the corners, if it were a wet bog you would have to replicate somewhere else 2:1. Member Knox said the only other thing would be the stabilization of the new edge. Mr. Michaelis said what is there now will be re-established with a grass bank. Chairman Bouchard asked if a new plan would be submitted with the changes that have been discussed. Mr. Michaelis said he would show more detail including detail of the swale for the proposed trench. Chairman Bouchard suggested they could make the approval conditional on receiving the revised plan. Member Yeatts said they wanted siltation control in the trench and stabilization on the new edge with hydroseed shown on the new plan.

Upon a motion made by Member Yeatts, seconded by Member Knox, it was:
Voted: to close the hearing and issue an Order of Conditions that will call for a new plan that will show extra siltation control in the trench and stabilization of new edge will be hydroseeded, with all standard conditions. Order of Conditions will not be written until the new plan is received.
Unanimous approval

Documents: Notice of Intent, site plan

310 Kenneth Welch Drive - continued - Notice of Intent - Goddard Consulting - increase in parking and wetland replication.

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

Voted: to continue to 4/25/23 at 7pm.

Unanimous approval.

Residences at LeBaron Hills - continued - Notice of Intent - Outback Engineering - Phase 5 modification.

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

Voted: to continue to 4/25/23.

Unanimous approval.

Ram Island - discussion. Nick Velozo was present for discussion. Last year he had come before the Commission about doing a clean up on the island. They would like to add a structure in the middle of the island. Their goal would be to use precast footings but would be amenable to helical piers. He has spoken to the Building Inspector and was confident they would meet all the zoning regulations. Member Knox said he would want a sketch with some dimensions. Member Chamberlain added that the Commission would want specifics on the type of supports for the building. Member Knox said the Commission would probably be fine with either one. With the precast footings, they have to be dug in so they would want to see siltation barriers put up. Member Yeatts said she didn't think an extension of an RDA was appropriate. If they wanted to put a structure, she thought they should do an NOI. Mr. Velozo said the RDA was good for three years, and he didn't think the work qualified for a Notice of Intent. Member Chamberlain asked if they would be using the barge to get equipment out there. Mr. Velozo said yes. Member LeBlanc asked if there was a plot plan, or if they had submitted any kind of drawing. Member Knox said they needed to come back with more of a written plan. Member Yeatts said she still thought an RDA wasn't sufficient. Member Faherty asked what the original RDA was for. Member Yeatts said it was just for clearing. Member Faherty said they would need a new RDA just for the description of the proposed work anyway. There was no change for an RDA or an extension. Mr. Velozo said they were just trying to avoid the need for an NOI. Chairman Bouchard said he had a few more questions. Bathroom facilities? There are none and they are not proposing any. Mr. Velozo said that was correct. Chairman Bouchard asked what type of structure they would be putting up; would it be a gazebo or enclosed. Mr. Velozo said it would be an enclosed structure, a shed-like structure. Chairman Bouchard asked how big. Mr. Velozo explained that they haven't been out there since last year, so they will want to go out and get a rough estimate of what would be the least intrusive. There is a big clearing in the middle of the island that they are looking at. Chairman Bouchard said those are the kind of things they're looking for on a plan regardless of whether it's an RDA or an NOI. Member Knox said they would need a plan to proceed, they just can't go forward with just a discussion. Member LeBlanc asked what the purpose of the building was. Mr. Velozo responded that it was for security for things they may leave out there. Member Chamberlain asked if they had contacted a port-a-potty company to see if they could get one out there. Mr. Velozo said he knew they could get one out there but they hadn't considered it. Chairman Bouchard asked about the dock. Mr. Velozo said they would be using the existing, they weren't proposing any work next to the water. Member LeBlanc asked how far from the water. Mr. Velozo said it would be approximately 75', and 10' above the water. There was

continued discussion on the proposed project. Mr. Velozo said if they did another RDA, it would have selected clearing on it as well. Member Yeatts said DEP doesn't like conditions on RDAs, and there will be machinery being brought over and going up the bank, and digging holes. She thought they would need to be able to do some conditions. And also, there were so many phone calls last time. Member Chamberlain asked what types of soils were out there. Mr. Velozo said they hadn't dug many holes, but there was a good layer of compost. Chairman Bouchard said that could be something to include when they file, dig some test pits. Mr. Velozo asked if there was a tree in the middle of the island they wanted to take down, would that be an NOI? Member Knox said they would not be able to take the stump up. You are limited to the amount of tree cutting you can do within the buffer zone, but you can't take the stumps out. Chairman Bouchard said his rule of thumb is 1-3 trees. Member Knox said you can cut a tree, you can't cut it and let it fall in the water. Chairman Bouchard said to call him first before any tree cutting.

Meeting Minutes - February 14, 2023

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

Voted: to approve the February 14, 2023 minutes as presented.

Unanimous approval.

Kenneth Welch Drive parking - Member Knox said the parking had become an issue on Kenneth Welch Drive. They tried to address it through the Planning Board, but it didn't go anywhere. They suggested no parking signs, but the Select Board didn't agree with that. It is town property, and it's a liability to the town now. If someone were to complain and put a cease and desist on the parking, it would go to the town. So, the town is in violation of the Wetlands Protection Act. Member Knox didn't think it would be wise to make that complaint at this point. It was discussed to send a letter to the Select Board explaining the situation. He didn't think the gravity of it has been explained to them. If you drive by there, what used to be grass for about 15' off the edge of the road, is now just sand, it's just dead. There's dead grass to within 5' of the wetlands, or just dirt. He is recommending a letter gets sent to the Select Board explaining that it's town property and it is in violation of the Wetland's Protection Act and the town will be liable if it needs to be cleaned up. It would be recommended that the town sends a cease and desist to the tenants of the building and the building owner. Member LeBlanc said it's going to get worse when they start working on their parking lots. Member Chamberlain said they had discussed that last time, where are they going to put all these cars. Member Knox said they have gone through 5 site plan reviews from the Planning Board and they haven't done but one temporary parking lot that they've outgrown. The current site plan started with the Planning Board over a year ago, so it's moving at a snail's pace. Member Faherty asked why the Select Board hesitated on putting up no parking signs. Member Knox replied that the Town Planner said it wasn't necessary. Member Chamberlain asked how the Select Board felt about the presence of cars destroying town property on almost a daily basis. Member Knox said he didn't think it was posed to them like that, even though it was brought up at the Planning Board meeting that it was an issue. After some discussion, this will be on the next meeting agenda.

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

Voted: that a letter be drafted based on tonight's discussion, to convey the importance of enforcement by the Board of Selectmen.

Unanimous approval.

Adjournment (8:02pm)

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

Voted: to adjourn.

Unanimous approval.