

Town of Lakeville
Conservation Commission
Tuesday November 24, 2020
7:00 pm – Remote meeting

Members present: Chairman Robert Bouchard, Joseph Chamberlain, John LeBlanc, Mark Knox, Josh Faherty, and Nancy Yeatts.

93 Vaughan St. – RDA – Barkley. Continued discussion. Adam Barkley (homeowner) had been before the Board a few weeks ago regarding some work he had planned, a screened porch, an above ground pool, and removal of three trees. The Board had asked that a site map be submitted. Member Knox asked if the trees on the plan designated for removal would have the stumps removed. Mr. Barkley said that the maple and pine tree stumps would be removed. Due to the size of the willow tree, it was recommended by the tree company that the stump should remain. Chairman Bouchard agreed it was best to leave the stump since it was rotted and he would rather not disturb what's there due to its proximity to the wetland. There was a brief discussion about the erosion control barrier.

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

Voted: to issue a negative determination #3 with the conditions that the stump of the willow tree will remain, and the Agent will be called to inspect the siltation barrier.

Unanimous approval.

27 Shore Ave. – NOI – Zenith Consulting Engineers. Jamie Bissonnette from Zenith Consulting Engineers was present for discussion. This property is on Long Pond in Clark Shores. They are looking to raze the existing house and build a new flood compliant dwelling. The first living floor will be higher than the 100-year flood elevation of 57.2. The lower area which will be the garage will have flood openings in the back. They are also installing an advanced treatment system that has been approved by the Board of Health. This is a bottomless sand filter with an Orenco AX-20 treatment pod. They will also reconfigure the driveway so that there will be a small reduction in total impervious area on the site. They are proposing erosion control that will wrap the majority of the site up to the 100' buffer. There is a wetland across the street with the edge of the gravel road as the wetland line. There will be a dewatering basin on-site and the existing septic system will need to be excavated. Member LeBlanc asked if they were moving the house back. Mr. Bissonnette said they were moving it back and squaring it off with the property lines and adding a deck on the back. There was a discussion regarding the soils on site. Member Yeatts, said that on Shore Avenue there is an extensive wetland across the street and they typically condition to have a dewatering truck on site. She asked Mr. Bissonnette if he thought the dewatering basin would be adequate. She also said a lot of the other houses all the way down Shore Avenue haven't been able to get away with this type of system, they've gotten tight tanks, and they required a dewatering truck on site. Mr. Bissonnette said he

agreed and sometimes the trucks are on stand-by. They would be amenable to a special condition if the dewatering basin can't handle the flow that either the work is to cease and a dewatering truck is to be brought on site. Or, if they don't want to cease work, they are to have one on stand-by. Member Yeatts asked what percentage of the 31.8% lot coverage was impervious, then asked if they had been to the Zoning Board yet. Mr. Bissonnette said they had not. Member Yeatts said that because it's 25%, and she's been having a problem with it being over, she asked if there was a different number for impervious. Mr. Bissonnette said no, they break it down simply with the buildings and the driveway for residential use. Customarily, the Zoning Board, because these lots are pre-existing, non-conforming, the way the Zoning Board has worked is that you can't make it more non-conforming. The previous percentage was 31.9% and now they are at 31.8%. The reason for that is that they are decreasing the driveway, and removing some outbuildings. Member Yeatts said that Lakeville is involved in a regional grant about flooding. Part of the problem with flooding is the percent coverage on lots. Member LeBlanc asked if that was under the Commission's purview. Both Member Yeatts and Chairman Bouchard said it was. Member LeBlanc inquired if the Zoning Board approved a variance for that, could the Commission deny it. Member Yeatts said they could. The town could be working hard to oversee a grant from the State and do everything they can to avoid flooding situations, and then vote on something that has a 31.8% lot coverage. She said she can't. It's in a flood zone, it's in Natural Heritage, and needs 14 variances to make it work (for the septic). There was a discussion regarding the impervious percentage. Member Knox said he would be satisfied with more than 25% coverage, even if they were able to achieve a little better than what's there. They are making a significant improvement. They could do nothing and it would remain at 32%. He thought it would be satisfactory if they could make the turn around in stone or pervious and get it to 30% or 29%, that would be a fair compromise considering they already have that lot coverage. Chairman Bouchard said he agreed, it was a betterment overall, and to do nothing only increases the problem, it doesn't solve anything. Chairman Bouchard asked Mr. Bissonnette if there was anything that could be done along the edge of the road to stop some of the flooding that's going on. He noticed that all the homes in that area, all flood with a small amount of rainfall and it becomes a hazard. Is there something they could do that would do both, give more pervious cover and help solve the flooding issue. Mr. Bissonnette said he hadn't given it a good look and it was a good question. He hadn't looked at the overall picture. He thought the reason these lots flooded was that they were as flat as a pancake. There was a brief discussion about flooding.

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 all the Standard conditions and additionally, if the dewatering basin cannot handle the amount of water, the project will stop immediately and a dewatering truck will be required.

Natural Heritage has 30 days to respond and add conditions. Pending approval by the Zoning Board of Appeals.

Five in favor, 1 opposed, motion carries.

Discussion: Member Knox asked Member Yeatts if there was a percentage that she would have supported if it wasn't 25%? Member Yeatts responded probably not. She said we have to start somewhere not allowing this to happen if we really are seriously concerned about the flooding issues. Member Chamberlain asked if there was any way they could potentially lose the grant by voting as they had. Member Yeatts said no, they have the grant, but all the regional towns would be working on the same thing, the 25% is there, they just keep burying it all the time. Member Knox said it wasn't a variance if he has it pre-existing. Member Yeatts said he was building a new house and should take into consideration the percent coverage. Member Knox said they were roughly at 32% coverage, and on the next project, if they got it down to 28%, they improved by 4% but were still 3% over the 25%, he felt that the Board would have done their job to make a significant improvement on something that is pre-existing that if they had done nothing, would have stayed at 4% higher, that wouldn't have satisfied you. Member Yeatts responded that they had the ability as the Conservation Commission to say that they can't pave the driveway or they can't pave between the house and the driveway or partial or something, but it's our purview to do that. Member Knox said he fully respected Member Yeatts' opinion, and didn't begrudge her at all for opposing the motion, but he just wanted to get a better sense of where she stood on it as far as the percentages. Mr. Bissonnette wanted to add a few thoughts to the discussion since they were trying to get to the same goal, to minimize flooding and impact. He explained that one of the things that Lakeville doesn't push as much as other towns is infiltration, clean water from roofs infiltrating. A lot of towns will credit the roof area off the total impervious area if you infiltrate it. If you are putting the water back into the ground, it's technically not impervious, your getting the water back in the ground, you're doing what was intended. Something they could consider going forward is roof infiltration or some kind of infiltration system. Even in flood plains, during the events like we have right now, the pond is low. The rain from this week, could be infiltrated back into the ground and help recharge the ground water elevation. There would be times it wouldn't work, but it's in the right direction. Member Yeatts hoped one of the things that would come from the grant were recommendations of what can be done, and agreed that sounded like a good thing. Member Knox asked Member Yeatts if that was a condition in the future, he would support that, would she be satisfied with something like that. Member Yeatts said yes, it's the innovative things that they're trying to do with this grant regionally. Member Faherty asked if he got credit for the roof, would he be under 25%. Mr. Bissonnette displayed the plan which showed 1,200sf, so it would be under the percentage.

43D Committee Update - Chairman Bouchard said Members Yeatts, Knox, and Chamberlain joined him on a site walk, especially around the abandoned landfill. The people from Rhino Capital have been out there to verify the line with their wetland specialist. The next hearing is scheduled for December 3rd. He asked if all members had gotten copies of the plans and Notice of Intent. Chairman Bouchard said he would ask for hard copies for distribution or

members could come into the office to look at the plan. Member Knox said it would be about six joint public hearings with respective Boards depending on the topic of the night. The first night will be an overview where the project will be presented to the Boards. On the December 3rd meeting, Planning Board, Board of Health, and Conservation will all be present at that meeting. It will then be continued to a later date and certain Boards may or may not be invited to the next meeting depending on the subject matter.

Approval of meeting minutes – September 29, 2020

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

Voted: to approve the meeting minutes of September 29th.

Four in favor, motion carries.

Adjournment – (7:47pm)

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

Voted: to close the hearing.

Unanimous approval.