

Town of Lakeville
Conservation Commission
Tuesday February 26, 2019
7:00PM – Lakeville Senior Center

Members present: Mark Knox, John LeBlanc, Richard Hagerman, Josh Faherty, Joe Chamberlain, Chairman Bouchard, and Agent Lenore White. The meeting was called to order by Chairman Bouchard.

Hearings:

221 County St – RDA to restructure a deck and stairway. Tom Shand was present for discussion. An existing deck that rests on boulders has been there for about 20 years with stairs. Mr. Shand wants to take out the stairs and deck and replace them. Agent White said she was at the site and Mr. Shand explained the proposed replacement. No dredging, filling, alteration, tree cutting or clearing, and no concrete work is proposed. The new stairs and landing will be made of stainless steel and aluminum and will be fastened on the existing boulders. Mr. Shand will be doing the work himself; there will be no heavy equipment involved. Member Knox asked Agent White after visiting the site, what her recommendation would be. She stated she would recommend a negative #3 determination, meaning the work really isn't in the wetland, it sits over the pond. There really isn't any activity on the ground. It's taking the existing structure off and replacing it with one built out of steel and aluminum. Chairman Bouchard asked what mechanism would be used to attach the new structure to the existing boulders. Mr. Shand said he had some stainless steel drop in anchors and he will drill into the boulder with a rotary hammer and sink the anchor. Member Knox asked if there will be pressure treated lumber used. Mr. Shand said there may be pressure treated lumber on the stringers. Currently it's all pressure treated. Chairman Bouchard asked if there were any changes during the work, that Mr. Shand come back to the Board with those changes. Mr. Shand said he didn't plan to deviate from the plan but would definitely update the Board with any changes.

Upon a motion made by Member Knox, seconded by Member Chamberlain, it was;
Voted: to close the hearing and issue a negative #3 determination for the deck and stair reconstruction at 221 County Rd.
Unanimous approval.

NOI Portion of 141 County St. (lot 3 Highland Rd) – to construct new single family home with appurtenances. Jeff Youngquist from Outback Engineering was present for discussion. Agent White asked if there was Planning Board approval. Mr. Youngquist said the Form A has been signed and the lots have been created and it has Planning Board approval. Mr. Youngquist reviewed the plan with the Commission. It will be a single family home with pool in the back;

there is a very high water table so the elevation of the house will be above the existing ground, there will be a lot of fill. Agent White said she sent out to the site two weeks ago and the site has been cleared of all vegetation right up to the wetland flags. She said the only thing she can look at to verify the wetland line is accurate are the soils. The ground was frozen at that time so she was not able to break into it. She has some questions regarding the wetland delineation because she has nothing to go by since the vegetation was gone and the ground was frozen. Agent White asked if they had looked at the other properties to the north to see if there were any additional wetland areas that might come within the 100' buffer zone. Mr. Youngquist said the wetland line was approved by an order of resource area issued on 12/18/2017. Agent White said she looked at the old plan and the only flags that were confirmed under that determination were the ones by Ken Thomas, identified on the plan by "KT". At least half of the flags are new, so the note isn't correct. The wetland line did not extend that far off to the southern edge of the property. The determination did set a line, but not at this particular home site. Also, on the new plan the flags were renumbered (not showing the "KT" flags). Agent White asked if there was a wetlands report that she could use because without soils and vegetation it's difficult to confirm the wetland line. It's a high water table and there are pockets of standing water all over. When you have water at the surface, you can have wetland plants. Agent White asked if they could get some additional information about the wetlands. There was additional discussion regarding the wetlands. More wetlands information will be forwarded to the Commission. Member Knox asked about the benchmark on the plan south of the house foundation, it shows a benchmark at elevation 94. He asked if that was an old historic benchmark or was that something that was put in to start the project. Mr. Youngquist said that it was when they started the project, because the contours are at 94. Member Knox asked what the depth of the proposed pool would be. Mr. Youngquist believed it to be an in ground pool. Member Knox said at 8 feet it would be close to the water table, but not in it. Chairman Bouchard said any structures associated with the pool should be on the plan to save the owner from coming back. Agent White asked about the fill being brought in. Mr. Youngquist said they will be more than likely stripping out the top (anywhere from 24 to 30 inches) and bringing in gravel or stone and put the footings on top of that. There was a brief discussion about the fill.

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

Voted: to continue to March 12 at 7pm.

Unanimous approval.

Certificate of Compliance – Satucket Trail, File SE 192-541. Bill Cordeiro was present from Allen & Major Associates along with Roan Barber for discussion. They are requesting an open Order of Conditions be closed for the Satucket Trail subdivision from 2007. This was a six lot subdivision with a road extension for a drainage basin within a buffer zone. They are currently waiting for roadway acceptance from the town. Mr. Cordeiro said the project was initially filed under Natural Heritage, but they have withdrawn it from their maps on a map amendment so the project no longer had to maintain the deed restriction and property restrictions once imposed by the order. Also, the storm water basin or rain garden/infiltration basin wasn't

properly shown on the as-built as to how it was constructed. It's a shallow depth basin with several feet of large rip rap underneath for infiltration. Mr. Cordeiro said he brought pictures since Ms. White had questioned if it would meet the volume requirements. Those calculations were not part of the submittal package. When the basin was constructed, the Planning Board was reviewing the plan with their peer consultant; they verified that the elevations and the volumes met the requirements. What wasn't shown on the survey was the roadway that surrounds the basin (the access roadway) which also creates the spillway towards the wetlands. Agent White said the as-built came in and showed a small depression adjacent to the wetland area. The plan of record shows the depression is a functional storm water basin or rain garden. Agent White wondered if that was constructed with sufficient volume. After doing more research, she found that it was excavated to the proper depth and that it functions as a drainage basin. Agent White asked if they were asking for a Certificate of Compliance for any of the houses. Mr. Cordeiro said no, just the basin and roadway construction. Agent White said she would recommend issuance of the Certificate of Compliance. Member Knox said it appears lot A has the retention basin blocked out, is that a separate property that has it, not part of lot A? Mr. Cordeiro said it was an easement, there is a drainage easement around the basin, it is part of lot A but the basin is contained in an easement. Agent White said that since this was under the control of Natural Heritage, however it came off the map, so even though the Order of Conditions says a deed restriction is required, does the Commission want to enforce the deed restriction. The Commission does not want to enforce the deed restriction. Member Knox asked if there were any other Order of Conditions open for any of the other lots that would be viewed as an overlap. One or two of the properties are within the 100' buffer zone. Mr. Barber said that there was one property the contractor said they couldn't get the separation from the buffer. Member Chamberlain and Nate Darling did an onsite visit and found that the engineer had been using the wrong starting point for measuring. Once that was cleared up, they found they did have the separation. So the house is out of the buffer zone.

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

Voted: to close the hearing and issue a Certificate of Compliance for Satucket Trail
SE 192-541
Unanimous approval

Certificate of Compliance – 225 Hemlock Shore Rd, SE 192-779. Agent White said this was an addition on an existing single family home. She said the addition was built per the plan, but what wasn't on the plan was the patio and boat ramp. While she has no problem issuing a Certificate of Compliance for the addition, it appears there was some work done without a permit. Member Chamberlain agreed, issuing the compliance for the addition was fine, but contact the owners. Member Knox said he didn't want to make a motion that adopts work that wasn't permitted. Member Chamberlain reminded the Board that their decisions do not set precedents. Member LeBlanc was comfortable signing the compliance for the addition (what they pulled the permit for). Agent White said there were two ways to handle this: one is to issue the certificate and give them a call and let them know, or hold off on the certificate until they get some answers.

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

Voted: to close the hearing and issue a Certificate of Compliance for 225 Hemlock Shore Rd. file number SE192-779 for the work under that Order of Conditions.

Unanimous approval.

Certificate of Compliance – 27 & 31 Commercial Drive Lot E, partial Certificate of Compliance for units 1-5 Landing Way. File Number SE 192-813. Member LeBlanc recused himself from the discussion. Jamie Bissonnette from Zenith Consulting Engineers was present for discussion. He is looking for a partial Certificate of Compliance for the first two buildings that contain units 1-5 and 6-12 on Lot E Riverside Drive. There were four buildings permitted. As the project moves forward, the bank funding sometimes requires certificates be issued. There is still a lot of work to do on the overall site (two complete buildings with 14 units) but they are requesting a partial Certificate of Compliance so they can continue construction and sales. There was a review of the plan. Agent White said that the two buildings are well outside their jurisdiction. The site has no vegetation and the hay bale line in the corner is gone. Agent White said she had some concerns about the wetlands due to the lack of erosion control and debris, but the work is outside the jurisdiction. If the commission signs off on all four buildings there will be no control over the section where their jurisdiction is. Mr. Bissonnette said what they were looking to do, is have a partial release for building three signed off this spring/summer and then for the last building they won't look for a release until the site is stable. Member Chamberlain asked if the stump grindings were being used for erosion control. Mr. Bissonnette said they were. Agent White said that 99% of the work really isn't within their jurisdiction, yet the work is shown on the plans. Mr. Bissonnette said the notice was filed for the septic and the grade but unfortunately, the entire lot is referenced on the order. When it is referenced, the attorney is looking for a clarification that the units are released. He conceded that the units are not subject to their jurisdiction, they still need a release. They are looking for only a partial release. Member Knox said it's really not a release; it's something for the bank that says they are releasing those buildings outside of the purview. There was a discussion regarding the filing.

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

Voted: to issue a partial Certificate of Compliance for only units 1-5 and 6-12 of Landing Way, SE 192-813, known as 27 & 31 Commercial Drive.

Four in favor, 1 abstention (LeBlanc- recused)

Open Space Committee – Martha Schroeder was present for discussion. Her question was who is managing Vigers' Park? Chairman Bouchard said that they did reach out to Sarah Kulakovich who is no longer in town, and is unable to be part of the Commission. So there is currently no general oversight. It was brought up to the Commission a few meetings ago that they should decide who should oversee the site, and should they go out and do an inspection to see if there has been any damage, and then decide what to do and who is going to do it. Ms. Schroeder also wanted to request that the Open Space Committee have a joint meeting with the

Conservation Commission to find out if they have any concerns about Open Space or if they have any Conservation concerns.

Ms. Schroeder also had a question as a homeowner (3 Riverbend). Permission was given to the Parks Department to cut the grass at John Paun Park. There were conditions placed on that because there is a perennial stream and a box turtle habitat. They were told they could only mow in early spring before the turtles moved, last year it was being mowed down to the water's edge all year long. In previous years when it was allowed to grow during the season, it grew up with low vegetation, now it's just grass. It was a Natural Heritage ruling that it shouldn't be mowed. Member Chamberlain and Chairman Bouchard will draft a letter to the Highway Department regarding the mowing at John Paun Park.

Approval of Meeting Minutes –

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

Voted: to approve the meeting minutes of January 8, 2019 as amended.

Unanimous approval

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

Voted: to approve the February 12, 2019 meeting minutes as typed.

Unanimous approval

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

Voted: to approve the February 22, 2019 meeting minutes as typed.

Three in favor, 1 abstention (LeBlanc- not present)

Discuss recommending Josh Faherty as a new member –

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

Voted: to recommend Josh Faherty as a full member.

Unanimous approval

Meet with Wilton Gray as potential new member – Mr. Gray has submitted a letter of interest and will submit a resume to Agent White.

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

Voted: to recommend Wilton Gray as a full member.

Unanimous approval

4-6 Beechtree Drive – tree violation. Agent White said there were two problems with the site. Mr. Nashawaty widened the road, dug a ditch, cleared the vegetation and put the vegetation on top of what was left of the ditch. It's about 1,000 square feet of work without a permit. Agent White recommended inviting Mr. Nashawaty to the next meeting for discussion. There is another site owned by the association which has also had about 1,000 square feet of work without a permit. Agent White recommended writing a letter to the association and

inviting them to a meeting. Member Chamberlain said he knows the President of the association, and would talk to him. Carolyn Richard was present for discussion. She said that the problem started when they built new houses on Robbins Lane and those people were told they had beach rights. She said there were really only three houses that were entitled to use that access as a beach. It was owned by the original association, Huckleberry Shores Association. There is now another association. The access was maintained by the homeowner that lived next door, however he has since moved.

71 Southworth St – Agent White updated the Commission stating she sent photographs and another email to DEP. She received an email from Jim Mahala at DEP asking some follow up questions. She hasn't heard any more from DEP but thought they may be taking a close look at the violation and may take some action.

Letter of Interest - Bob Staples was present and said he had submitted a letter of interest to the Board of Selectmen. He works as a land surveyor. Member Chamberlain said he would get the information from the Selectmen's office. Member Knox invited him to the next meeting on March 12.

Adjournment –

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

Voted: to adjourn

Unanimous approval