

Town of Lakeville  
Conservation Commission  
Tuesday April 23, 2019  
7:00PM – Lakeville Senior Center

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

**Hearings:**

**NOI 9 Nachaomet Rd** - Chairman Bouchard read the legal notice into the record. Larry Silva from Silva Engineering was present for discussion. This project is a proposed new home at the end of a cul-de-sac. The resource area that was delineated was actually off the lot, adjacent to the property and was flagged by Ken Thompson in October of last year. There is a proposed concrete retaining wall off the back of the house to manage the grading. From the corner of the house to the closest wetland flag is 110 feet. Part of the driveway and some of the grading toward the edge are within the buffer zone, however, the well is outside making it a minimal risk to the resource area. Ms. White didn't see any problems with the proposal. Since there will be a lot of earth moving, Ms. White wanted to know if the erosion control would be enough. Mr. Silva said maybe add a condition that if during construction, the barrier may need to be supplemented with a silt fence if it isn't sufficient. Chairman Bouchard asked if the retaining wall would be designed by others. Mr. Silva said it would be pre-engineered by a manufacturer. Chairman Bouchard asked that when they have a design and contract with a manufacturer if they would submit a proposed design. This will be added as a condition. Ms. White said part of the condition for the erosion control is when it is put in, to call for an inspection to make sure it is sufficient.

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

Voted: to close the hearing for 9 Nachaomet Rd. and issue an Order of Conditions with the special condition to supplement the existing erosion control if there is any sign of compromise with additional silt fence. Also requested, is copy of the approved engineering for the retaining wall system that is chosen by standard manufacturers, and all the Boards standard conditions.

Unanimous approval.

**NOI 35 Shore Ave** - Chairman Bouchard read the legal notice into the record. Robert Forbes from Zenith Consulting Engineers was present. This proposal is for an existing house on Long Pond with a cesspool to be decommissioned and a Tight Tank installed. This property is within the flood plain and buffer zone for Long Pond. Ms. White said she didn't see any other place to move the system and they've kept it as far away as possible. She did ask that everything be revegetated when the project was finished.

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

Voted: to close the hearing for the NOI on 35 Shore Ave. and issue a standard order of conditions.

Unanimous approval.

**RDA 195 Bedford St.** - Chairman Bouchard read the legal notice into the record. Robert Forbes from Zenith Consulting Engineers was present. The owner of the land had the wetlands flagged. Zenith had another wetlands specialist go out and he disagreed with a couple of the prior flags so they moved them away. They are asking permission to cross the wetland in order to do a perc test. If the land does perc, and the owner decides to move forward, they will come back with a full Notice of Intent. Ms. White said she had looked at the wetland line on the original plan and agreed with the line, there is a clear break in slope. Since the wetland hasn't changed, the only thing that has changed are the flags shown on the plans. Mr. Forbes said they weren't asking for the wetland line to be fixed at this time, but she could use the original plan that shows the two wetland crossings. He said if the project goes forward they will come back and get the line fix and whatever needs to be done on the site. For right now, they are just asking to be able to get a mini excavator in the back. Ms. White said that if the project doesn't move forward, she would like to see the wetland area get restored. Mr. Forbes said that would not be a problem. Member Knox asked how far the distance was to cross. Mr. Forbes said it was about 30 feet. He said they would be willing to do whatever the Commission wants for the crossing area. Chairman Bouchard said if they were going to do test pits, the Commission would like to be notified so they could be present.

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

Voted: to close the hearing and find a Negative 3 determination on the RDA for 195 Bedford St. with the condition to notify the start date for the perc test to the Board.

Unanimous approval

**2 Oak Street** – Chairman Bouchard read the legal notice into the record. Robert Forbes from Zenith Consulting Engineers was present. This is a septic repair project for an existing two bedroom house. The entire system is outside the 50' buffer zone, one of the tanks is just at the 100' buffer zone to the wetlands. The only thing that will be happening inside the 50' buffer zone is some grading since the system needs to be raised. The proposed silt sock for erosion control will be 43.3' away from the wetlands. Ms. White said she went out to the site and there were two flags she didn't agree with, so she hung new flags (right off the roadway). She notified Nyles Zager at Zenith Consulting Engineers and this current proposed plan is a revised plan showing Ms. White's flags. She saw no issue with the proposed plan.

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

Voted: to close the hearing and issue a Negative 3 determination for 2 Oak Street.

Unanimous approval.

**141 County St** – (lot 3 Highland Rd) Jeff Youngquist from Outback Engineering was present for discussion. Elyse Tripp had gone out and moved the wetland flags further down away from the wetlands. Ms. White explained the delay on this project was that the site had been cleared of

vegetation up to the where the wetland flags were and she was unable to determine where the wetland line was. She was unable to auger down into the soil since it was frozen. She visited the site again and was able to auger down and she has no problem with the new wetland line. She noticed in one area that the clearing had gone over into the wetland. The applicant would like to let that area re-vegetate naturally, rather than doing a restoration. This was her only concern. Member Knox noted that the clearing went up to the old wetland line.

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

Voted: to accept the new plan for lot 3 Highland Rd. also known as 141 County St.  
dated April 3, 2019.

Unanimous approval.

Member Knox asked if there were any stumps left. Ms. White said there were some stumps left. Since there were stumps left, Member Knox said he would be fine with no restoration, just to let it come back naturally. If they were to pull the stumps to restore, it would do more damage. The pool location was also pulled back 20'.

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

Voted: to close the hearing and issue an Order of Conditions for the NOI at 141 County St. (also known as lot 3 Highland Rd) with all the Boards standard conditions.

Unanimous approval.

**7 Quail Run** – Chairman Bouchard had gone out for a site visit and noticed next door to the site was a huge clearing and some machinery. He spoke to the owner, and they had put in some stone walls, gravel roads, and sheds or cottages. No permit had been issued for the work, but he had spoken with the prior Agent. Chairman Bouchard checked the files and there had been an RDA issued and the work approved by the Board was the removal of a few dead trees and rebuild a shed. Most of the work has been completed with the exception of a stonewall outside the buffer zone. There was a discussion about the work and site. Chairman Bouchard said that when an RDA is issued the Board needs to be careful and specify the scope of the work that is to be done. Ms. White said she didn't have a problem with the owner filing and after-the-fact RDA. Chairman Bouchard said they could modify the original RDA, and he will speak to the building inspector regarding the cottages and that there was possibly an enforcement order and will come back to the Board with more information.

**71 Southworth St.** - Ms. White gave an update on the restoration project. Brad Holmes is the biologist that has been hired by Mr. Pusateri. He contacted the Board because DEP had recommended that some soil testing be done because DEP didn't agree with where the wetland line was. They thought there may be some other areas that weren't identified as wetlands that may be wetlands. Mr. Pusateri has agreed to get a backhoe to do some test pits to better delineate the wetlands. Mr. Holmes and DEP have agreed to the date of May 1<sup>st</sup> at 10am. Ms. White, Chairman Bouchard, and Member Chamberlain have agreed to be present for the testing. A revised restoration plan may be necessary. Gary Makuch from DEP has emailed Chairman Bouchard and Brad Holmes that some test pits need to be dug, restore whatever was

wetland and remove the pond. Member Chamberlain said they will want to know what material will be used to fill in the pond. When you fill in a previously excavated pond, it needs to be gradual.

**Approval of meeting minutes for February 26, 2019 and March 12, 2019 -**

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

Voted: to approve the Tuesday February 26, 2019 minutes as drafted.M

Unanimous approval.

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

Voted: to approve the Tuesday March 12, 2019 minutes as drafted.

Unanimous approval.

**Southcoast Rail** – Chairman Bouchard said that there would be training for the railroad on May 2<sup>nd</sup>.

**MA Audubon inspection at CR lands in Lakeville** – An inspection by the Audubon Society will be conducted on Howland Rd. at the property across the street from the high school.

**Corrected Order of Conditions** – The Order of Conditions for Member Chamberlains property had an incorrect page number listed. The Order will be amended.

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

Voted: to amend the Order of Conditions page number to reflect the actual property

52 Highland Rd (also known as 0 Highland Rd.).

Unanimous approval.

**Next meeting –**

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

Voted: to schedule the next meeting for May 14<sup>th</sup>.

Unanimous approval.

**Adjournment –**

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

Voted: to adjourn.

Unanimous approval.