

**Town of Lakeville
Conservation Commission
Tuesday, July 10, 2018
7:00 PM – Lakeville Senior Center**

On July 10, 2018, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library. The meeting was called to order by Chairman Bouchard. Members present: Caitlin Canedy, Katherine Goodrow-Robinson, John LeBlanc, Keith Jensen and Agent Lenore White. Members absent: Joseph Chamberlain, Mark Knox, associate members Sarah Kulakovich and Richard Hagerman.

Certificates of Compliance –

185 County St – an Order of Conditions was issued for a septic system upgrade. Agent White did a site visit and noted that it looks good and the grass was growing in. She found the site to be stable and she felt that a Certificate of Compliance should be issued.

Upon a motion made by Member Goodrow-Robinson, seconded by Member LeBlanc
Voted: to issue the Certificate of Compliance for 185 County St.
Unanimous in favor

12 Settler's Drive - this Certificate of Compliance was old, it was part of the Settlement subdivision. A single family home was constructed on the lot, in November 2017 they requested a Certificate of Compliance. At the time the former Agent didn't feel the Certificate of Compliance should be issued. However, now the site looks better and Agent White feels that a Certificate of Compliance should be issued.

Upon a motion made by Member LeBlanc, seconded by Member Jensen, it was:
Voted: to issue the Certificate of Compliance for 12 Settler's Drive.
Unanimous in favor

56 Main St – There was an old project at 56 Main St that was never built. There was an old Order of Conditions and the project never went forward and Zenith Consulting is requesting a Certificate of Compliance to close out the old filing. There is now a new Notice of Intent for new work on the property.

Upon a motion made by Member LeBlanc, seconded by Member Jensen, it was:
Voted: to issue the Certificate of Compliance for 56 Main St.
Unanimous in favor.

NOI 44 Pickens St – Jason Youngquist from Outback Engineering was present for discussion along with the homeowners for an after-the-fact Notice of Intent. Agent White read the legal notice into the record. After the winter storms, the applicant had a lot of debris and brush in the yard and wetlands as well as a downed fence. A contractor came in to do clean-up, some stumps and branches were placed in the wetlands, and the yard was graded. A Notice of Intent had not been filed. Since then, the wetlands have been flagged. Abutter notifications were turned in. Chairman Bouchard asked if more loam was going to be brought in. Mr. Youngquist said no, they were ready to seed. There was a discussion regarding property lines and site work. Chairman Bouchard asked if stump removal from the wetlands would be done. Mr. Youngquist said it would. The shed currently located in the wetlands will be moved to the buffer zone. Agent White said most of the buffer zone has been revegetated. Her concern is that the heavy equipment that will be doing the cleanup will cause the site to be dug up again and one of the conditions she would like to see is that it be revegetated again. Mr. Youngquist said a condition to put down a wetland seed mix could be added. Agent White asked where the debris would be moved to. Mr. Youngquist said it would be moved off site. The homeowner asked if he could bring in more loam to even it out before he reseeds. Chairman Bouchard said that he would be ok with some being brought in between where the shed and well are. The homeowner asked if he could bring in some gravel to fill the hole where the stump is to be removed. Agent White said that was in the wetland and she didn't feel rock was the right material to bring in but soil could be used and it would revegetate. Member Goodrow-Robinson asked how many stumps were to be removed from the wetlands. There are six stumps in the wetlands to be removed according to the homeowner. Agent White said they will add some special conditions to the order.

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

Voted: to close the hearing on 44 Pickens St. and issue a Notice of Intent for 44 Pickens St. subject to special provisions that were discussed.

Unanimous approval

LeBaron Estates Phase IV and V - Jason Youngquist from Outback Engineering was present for the continued hearing for Phase IV and V of LeBaron Estates. There was a review of the site plan. Phase IV is another row of duplexes coming out to another entrance on Rhode Island Rd. A drainage system was designed with infiltration basins and roof drain infiltrators. Phase V is multi-unit buildings located at the far end near Fern Ave. This area also will have roof drain infiltrators; concrete leaching pits for all the roof run off, there is also an infiltration basin for the parking lot water that will be treated and put into that basin and some will be infiltrated into the ground water and discharged back into the wetlands. A drainage report was done with drainage calculations to make sure there was no increase in flow to the wetlands. There was work within the 100 foot buffer as well as 200 feet from Thompson Brook with no work within 100 feet. Nick Lanney from HML Associates has reviewed the Phase IV and V plans. He has issued letters to the ZBA stating the site design and drainage plans were compliant with the storm water management policy and general engineering practices. Prior to construction he

would like a structural plan for the retaining walls on Rhode Island Road. Chairman Bouchard said the former Agent had some concerns regarding top of bank. Revisions were made to the plan. Agent White asked if there was an alternatives analysis done since they were working in the riverfront area since it looked like some of the structures were in the outer 200 foot buffer of the riverfront area. Mr. Youngquist said that was part of the NOI. He explained there really wasn't any other place to put these units. Agent White asked if the units could be eliminated. There was a discussion regarding the alternatives analysis.

Upon a motion made by Member LeBlanc, seconded by Member Goodrow-Robinson, it was:
Voted: to continue the hearing for Phase IV and V until the July 24th meeting.
Unanimous approval.

NOI 56 Main St – Nyles Zager from Zenith Consulting was present for discussion. Agent White read the legal notice into the record. Abutter notifications were turned in. The original commercial project filed by Azor Land Sciences, was approved back in the early 2000's. An Order of Conditions was issued and work was started, detention basins were constructed and retaining walls were built behind the property. The property sale was lost and the site sat vacant. The Order of Conditions has since expired, and a new NOI is being filed. There was a review of the site plan. This property is zoned business and has been before the Planning Board. The current plan is to put in a large retail store in the 9,000sf section with a fast food restaurant in the 3,000sf section. There was a review of the plan. The Planning Board had no objections to the project but it will be reviewed by Nick Lanney from HML Associates. Member LeBlanc asked where the septic system would be located. Mr. Zager gave an overview of the septic which will be located at the rear of the building and on the side. The reserve area will be in the back while the primary will be on the side, which is outside the buffer zone. The project will be tied into town water. The storm water management was done prior to the new storm water management regulations from 2008. The new standards have been met as much as was practical since this is a redevelopment, it was already designed and somewhat constructed. Mr. Zager felt they were meeting the standards of storm water management completely. They are conveying all the storm water through catch basins and manholes and Stormceptors that will discharge to a detention basin. They are proposing an underground recharge system where the drive-thru is located. The dumpster location is going to be moved to a location just at the 100' buffer zone per the request of the tenant. The storage container shown on the plan is going to be removed. These changes will be shown on the revised plans. A sedimentation and erosion control plan will be put in place during construction as well as post-construction. Two stone pads are proposed, one at Main St. and one at Ebony Farm Rd. A stock pile area is proposed on the plan outside the 100' buffer zone. Silt sacks will be placed in the catch basins during construction as well as a dewatering basin (which Mr. Zager does not feel will be necessary). Agent White said that plan calls for a lot of grading in the back and asked if it would be loamed and seeded. Mr. Zager said it would and any disturbed areas are to be loamed and seeded. Chairman Bouchard asked if the basin would be similar to the one on the adjacent property. There was a discussion regarding the basin.

Upon a motion made by Member LeBlanc, seconded by Member Goodrow-Robinson, it was:
Voted: to continue 56 Main St to the July 24th meeting
Unanimous approval

NOI 27, 31 Commercial Drive, & 35 Riverside Drive, Lot E – Member LeBlanc recused himself from the discussion. Agent White read the legal notice into the record. Nyles Zager from Zenith Consulting Engineers was present for discussion. Lot E borders vegetated wetlands and abuts the Nemasket River. The plan has been approved by the Planning Board. There was an overview of the grading plan. The storm water controls were approved and accepted by the town. The plans have been reviewed by Nick Lanney from HML Associates for storm water. Member LeBlanc commented on the project as the applicant. He stated there would be a site superintendent that will be responsible for logs and inspections. He felt confident in the 16-inch silt sacks that will be used. Mr. Zager said these silt sacks are the blown in type and are extremely heavy. Member LeBlanc said they don't lay them over brush and will overlap at every joint. Per Mr. Zager, there is no work within the 200' riparian zone so an alternatives analysis is not required. The only work proposed is within the 100' buffer zone, and no work is proposed within the flood plain. The closest impact is at the entrance of the parking lot which will be about 10-15 feet away. The primary system itself is outside the 100' buffer zone. The reserve area is 75' away from the buffer zone. The plan is currently under review with the Board of Health.

Upon a motion made by Member Goodrow-Robinson, seconded by Member Canedy, it was:
Voted: to continue 27 & 31 Commercial Drive & 35 Riverside Drive until the July 24th meeting.
Unanimous approval

51 Nelson Shore Rd – Agent White read the legal notice into the record. Nyles Zager from Zenith Consulting Engineers was present for discussion on the raze and rebuild of a single family home. The reconstruction would be on the existing foundation with the exception of a farmer's porch which is proposed to be added on the side of the house furthest from the pond. The rear of the property has a hardscaped patio area where the owner is looking to add a pergola over the existing patio area. This area is within the 100' buffer zone as well as the flood zone. There will be no increase in flow to the septic. The ZBA did grant a special permit on the project. There was a discussion regarding the demo and debris removal.

Upon a motion made by Member LeBlanc, seconded by Member Canedy, it was:
Voted: to continue 51 Nelson Shore Rd until the July 24th meeting.
Unanimous approval

348-350 Bedford St – Agent White read the legal notice into the record. Walter Hermenau of Hermenau Engineering was present for discussion. Certified abutter receipts were presented. This project is a septic repair on a property that is surrounded by environmental resources. There is a 400' buffer from the Assawompset Pond to the rear of the property. The existing failed components are located under the parking lot. There is also a 200' riparian off the stream on the rear of the property. A wetland scientist delineated the BVW back in January of 2017; Mr. Hermenau does not believe the line has changed since. There are two wells on the property, one services the plaza, and the other services the old bank. They will be decommissioned and the site will be connected to the municipal water supply. The Board of Health has given their approval of this plan with the condition that the proposed water line and proposed force main for the sewer be moved (separated by 10 feet). An application has been submitted to the Board of Selectmen and the City of Taunton to connect to the municipal water supply. The existing septic system for the plaza was installed in 1985; a newer system was added for the bank. Both systems are failed. Four test pits were dug in the parking lot with varying soils and fine silts were found which could have had something to do with the premature failure of the septic systems. Test pits have also been dug at the rear of the property which resulted in coarse sand. The septic system perc rate is about 2-3 minutes per inch. They have not asked for any waivers to the water table because they have asked for a slight reduction in the foot print of treatment system itself. They have maintained it at 5' above the water table; they are not in the BVW or flood zone but are in the resource area as previously mentioned. The system is a pressurized and dosed system. The septic tanks and gravity flow will be replaced to one sewer main to an anoxic tank which will then go to a Micro-FAST tank. The Micro-FAST system referenced in the property deed and is maintained by a certified wastewater treatment plant operator. The Micro-FAST system re-circulates the effluent 3-5 times through the system, giving additional treatment. From the Micro-FAST tank, the flow goes to the recirculation tank followed by the pump chamber and then through a 2" force main to a 4' raised system with 60 chambers (5 rows of 12). The existing grass lawn will be loamed and seeded. Erosion control around the perimeter of the property to the front with hay bales is proposed for construction. There is also a three chamber dewatering system proposed. There is a leaching catch basin located in a low spot they are proposing to catch the storm water in a deep sump hooded catch basin, and then going to a leaching catch basin. There are two catch basins on Bedford Street that will have silt sacks inside. Also, where the tanks are located there's a vegetated area they would like to do a gravel cover which will offer some infiltration for run-off as well as the catch basins. There is a net decrease of impervious area of 1,000 square feet on this project. Agent White said there is the 400' set back to the pond but what about the stream that is a tributary to the water supply? The riverfront area performance standards do not apply for septic upgrades, but the tributary also has a setback. The septic system is within several feet of that wetland. And as a wetland, bordering on that public water supply, those wetlands are considered outstanding resource waters. You can't fill them; you can't alter them under the Water Quality Standards. And under the Wetlands Protection Act, there are certain prohibitions against filling wetlands when they're significant. Agent White said she felt "significant" was the case here because it's a water supply. She was concerned that the system is within several feet of a wetland and proposing to disturb the wetlands. Mr. Hermenau said the area is a grass lawn that has been maintained. Agent White

said the area is flagged as wetland. Mr. Hermenau explained that they weren't proposing to carve up any wetlands that have trees or other habitat; it's a grass lawn that he felt they could work around. Agent White questioned why the land scientist had flagged that area as a wetland. Is it truly turf grass or is it some other kind of grass that made him say its wetland grass. Agent White said the plan shows that they are altering wetlands since it was called out as wetland and there's an alteration. That doesn't comport with the Wetlands Protection Act. Also, this area is significant to the Natural Heritage Program. The Commission hasn't received any comments from them and documentation is required to close the hearing. There was a discussion regarding system options. Agent White said she did not feel this design met the Wetlands Protection Act. Not only are you altering wetlands that are outstanding resource waters, but the regulations say if you have a leach field within 50' of a BVW, you're presumed to be polluting. Member LeBlanc asked if it was within the purview of the Board to waive the 50' buffer to wetlands from a leaching field. Agent White said yes, but she did not recommend it. Connie Bebis, a business owner in the plaza, said taking away any parking would hurt the business there. Agent White said she was not suggesting they take away the parking. Chairman Bouchard asked if this project would be done in phases, or one project. Mr. Hermenau said he believed it would be done in phases. Member LeBlanc asked if the leaching field could be moved closer to the building. Mr. Hermenau said that there are parking spaces behind the building. Member LeBlanc said that to get 50' from the wetland, the system would need to be moved to almost abut the building, which would be within the 10' buffer from the foundation. Agent White asked for a copy of the report from the Wetland Scientist. Mr. Hermenau said they could possibly move the system closer to the building. Agent White asked how deep the leaching pit was for storm water treatment. The proposed leaching pit is 6' deep and will be surrounded by stone. Agent White said they are still waiting for some information before they can close the hearing.

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

Voted: to continue 348-350 Bedford St. to the August 14th meeting

Unanimous approval

RDA Pine Bluff Rd - Agent White read the legal notice into the record. Leo Bisio was present for discussion. He stated that they wanted to solve a problem of erosion going down the road. They would like to pave 179' and at the end of the 179' put down a geo-grid 9x17' and fill it with stone 1' deep. All work is outside the 100' buffer zone with the exception of one small area that is at 93' (the edge of the road being paved is 93' from the water). Chairman Bouchard asked what was going to be done prior to the paving. There was a discussion regarding the prep work to be done.

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

Voted: a positive determination would require a Notice of Intent, a negative determination would be the work is in the buffer zone but would not alter.

Unanimous approval

213 County St - Agent White read the legal notice into the record. Paul Wabrek was present for discussion regarding plans to remove a deck and replace it with a seasonal dock. Agent White asked how the dock would be attached. Mr. Wabrek explained it would be a free standing dock with legs that sits on the sand.

Upon a motion made by Member LeBlanc, seconded by Member Goodrow-Robinson it was:

Voted: to make a negative determination for 213 County St.

Unanimous approval

Submittal requirements - There was a brief discussion on the number of plan copies needed for submittal. Two large copies and a small copy for each member (7) will be required. Agent White will revise the submittal policy requirements.

Legal Ads - Chairman Bouchard said the newspaper wants to charge extra to include the town seal on the ad. Member LeBlanc asked if the Selectmen's Office could be contacted to see if this question could be brought to Town Counsel.

Adjournment –

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

Voted: to adjourn

Unanimous approval