

Lakeville Conservation Commission  
October 22, 2019  
7pm Lakeville Senior Center

Members present: Chairman Bouchard, John LeBlanc, Richard Hagerman, Joseph Chamberlain, Josh Faherty, and consultant Lenore White.

5 Harding St NOI - Bob Forbes from Zenith Consulting Engineers was present for discussion. A site walk was conducted with some of the members to address some concerns that Ms. White had. Some revisions had been made to the plans.

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

Voted: to accept the new plans  
Unanimous approval.

The first concern Mr. Forbes wanted to address was the 33% riverfront area. Mr. Forbes said he double checked the calculations and they were accurate. They will not be impacting any more of the site. The second concern was the wetland flags. They did not look at every flag, but the areas they looked at the flags were intact. He was sure there were some flags missing. Mr. Forbes suggested that rather than rehang the flags that aren't there, for the first phase of construction they stake out the erosion control line and put in the erosion control barrier. That will create a physical barrier that won't be crossed. There is a note on the plans regarding the brook. The brook itself, where the water is flowing is the property line, by deed they own to the center of the brook. That note is only associated with the actual location of the water flow for the brook. There was a discussion regarding the property line and riverbank and the line that was flagged. The upper bank is the concern of the Commission not the actual river. The NHESP review is in process. They have already considered this a "take" (more than five acres of impact) and they will need a State permit for this project. A surveyed drawing has been submitted that shows the land they would be giving over as a conservation restriction. A total of 20.96 acres will be given over to conservation. The areas toward Poquoy Brook are wetlands and cannot be touched, and NHESP was not interested in that area since it was considered neutral area. On the storm water report Ms. White correctly pointed out that there was not enough detail on that. A pretreatment device was not shown. They went back and added catch basins with deep sumps as pretreatment devices, discharging to stormceptor units, and then moving to detention basins.

The wetland areas off Cross Street where heavy equipment had accessed the site, Ms. White noted was an intermittent stream. There was a discussion regarding the stream and culvert. Ms. White mentioned that the Wetland Protection Act defined degraded areas as old dumping grounds, impervious areas, or areas with lack of top soil. She asked where they were finding the degraded areas. Mr. Forbes said this project was based on the project for the supermarket plan in 2010. Ms. White said she did not see any degraded areas, if anything the site has grown even more. Ms. White also said that the NOI was dated October 5<sup>th</sup> and NHESP needs 30 days. She suggested they don't issue until at least the 30 days due to

the regulations. She explained that you either have a response or you wait 30 days (under regulation 10.59). Chairman Bouchard said it has been their policy to close hearings pending notification from NHESP. Mr. Forbes said that regardless of the Board's decision to wait for NHESP or not, the project can't go forward until the State permit is received. Ms. White asked if the TSS worksheets had been updated to show the pre-treatment stormceptors. Mr. Forbes said they had not because they were already inside the 80% TSS removal. Ms. White said it might help if it were in the record. Ms. White also asked what the uses were anticipated. One of the storm water standards addresses lands with higher pollutant loads. Mr. Forbes said they would have contractor bays, but currently do not know what actual uses there will be, but didn't think any of the uses would trigger that. There was a discussion regarding the metal roofing and runoff. Bob Poillucci, the property owner, said that he has been dealing with NHESP for over a year. They found this project to be better than the previous supermarket project. He said this was so much less of an impact than the previously approved supermarket project. Member Chamberlain asked if there were any restrictive covenants that will be imposed. Mr. Poillucci said that they had proposed grease traps in all the bays and thought that there would be no one using the bays that would be doing work that needed a special permit. He said these were not designed to be working garages, that they would basically be a place for contractors to keep their work vehicles and supplies.

Chairman Bouchard asked if there were any abutters that had any questions. David Morrissey from 37 Cross St. asked who flagged the site and if the flags were still valid. Chairman Bouchard said the site was originally flagged in 2008, some of the flags are still there, more have been added and some have been replaced. The flags they reviewed were accurate and there is no set time limit to how long a flag is good for. Nancy Yeatts addressed the question stating that when they place the flags they are surveyed. Mr. Morrissey asked if there had been a traffic study done. Mr. Forbes said there was one done for Market Basket that estimated thousands of cars per day. The Planning Board felt that this was a small amount of traffic (maybe an additional 150 trips per day). It would be an increase in traffic but an imperceptible increase. There will be no access to Cross St. for this project. Mr. Morrissey asked who clear cut 39 Cross Street into 5 Harding. Mr. Forbes said that there were percolation tests done on that lot, but it was not clear cut. Jamie Bissonnette from Zenith Consulting Engineers confirmed that the access from the 39 Cross Street was made for the percolation tests.

Nancy Yeatts spoke about who would be holding the conservation restriction. She went to Wildland Trust with the plan and they are interested. They turned down the conservation restriction when it was Market Basket, but this is less impact. It will still have to go to their Board and site visits will need to take place.

Chairman Bouchard said that they may add a condition to the Order that the road from Cross Street be barricaded beginning with construction. Mr. Forbes said when they start with the three resident sites are being worked; they will need to come up with some access on Cross Street. Chairman Bouchard said that would be part of a separate filing. Chairman Bouchard said as per their usual conditions, the Commission would like to be notified prior to the start of work. They would also like to be made aware of any milestones (the closing of the access on Cross St, the establishment of the berm, etc.). This is to keep the Commission aware of progress so they can speak to any concerns from residents. Chairman Bouchard asked what they will be doing with the degraded areas. Mr. Bissonnette said they will be staking it out for NHESP. At that time they will contact the Commission for an inspection as well. Member Chamberlain asked if the Commission could be notified of any modifications. Mr. Bissonnette said he would notify the Commission.

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

Voted: to close the hearing and issue a standard Order of Conditions with all special conditions, including a plan showing major milestones and include barricading of the alternate access road, and notification of any major changes in the plan.  
Unanimous approval.

28 Central Ave NOI - Chairman Bouchard read the legal notice into the record. Darren Michaelis from Foresight Engineering was present for discussion. He said this property was before the Commission prior with other projects. This project is installing four sonotubes by hand and build a second-floor addition over the deck. This will be minimal impact, everything by hand, no materials left on site, and erosion barrier will surround the entire site. They will support the existing deck and work off of that for the addition. Mr. Michaelis said they do not have their Natural Heritage letter yet, so he would be fine with the Commission could approve the project pending the decision. There was a discussion regarding the site. Chairman Bouchard asked if the dock was a permitted dock. Mr. Michaelis said it was. The erosion control will be just a siltation barrier.

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

Voted: to close the hearing and issue an approval for the work proposed pending approval from Natural Heritage.  
Unanimous approval.

121 Nelsons Grove RDA - Chairman Bouchard read the legal notice into the record. Member Hagerman stepped down to speak. He has an existing concrete wall that is showing some signs of wear. He would like to add roughly 50 ton of stone, 4 feet out and 3 feet high in front of the wall to prevent any further erosion. He is planning on using large rip-rap. Member Chamberlain said it was a little beyond maintenance. There was a discussion regarding the project. Chairman Bouchard did a site visit and felt the plan was fine to approve.

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

Voted: to close the hearing for 121 Nelson's Grove Rd and issue a negative three determination. Four in favor, 1 abstention (Hagerman – property owner)

Approval of meeting minutes –

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

Voted: to approve the meeting minutes for September 6, 2019.  
Unanimous approval.

Nancy Yeatts - Chairman Bouchard said that Ms. Yeatts had shown interest in joining the Commission. The Board of Selectmen has asked for a recommendation, which Chairman Bouchard will do, but they asked for a vote.

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

Voted: to recommend Nancy Yeatts for a seat on the Board  
Unanimous in favor

66 Highland (not on agenda) – Chairman Bouchard said the construction is almost complete and they will be looking for a Certificate of Compliance. There are two outstanding Orders of Conditions from 2005 and 2007. There was a discussion regarding the site.

Justine's Way – There was a discussion regarding the possible effect on wetlands on Fuller Shores Rd. Member LeBlanc was involved in the development of that street and explained the drainage structure. Since it's a private road, the residents are responsible for maintenance for the drainage structure. There was a discussion regarding the site.

Adjournment – (8:10pm)

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

Voted: to adjourn

Unanimous approval