

Town of Lakeville  
Conservation Commission  
Tuesday December 10, 2019  
7:00PM – Lakeville Senior Center

Members present: Joe Chamberlain, Rick Hagerman, Mark Knox, Chairman Bob Bouchard, John LeBlanc, Nancy Yeatts, and Josh Faherty. LakeCam was present to record.

**RDA – 1 Fitzgerald Drive, LLC (57 Long Point)** – Owner Jon Delli Priscoli was present for discussion along with Kevin Kline from Stantec.

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

Voted: to accept the plans dated December 5<sup>th</sup>

Unanimous approval

Mr. Delli Priscoli said the site is being repurposed. It has been shrunk down by the Zoning Board of Appeals and the Department of Environmental Protection. According to Mr. Delli Priscoli, DEP has blessed the entire plan and the project will shrink site coverage from 30% down to 20%. They are trying to redevelop the property in a much less impactful way using the existing infrastructure. Reductions have been made in the impervious areas. There was a review of the architectural design. Kevin Kline from Stantec said the entire site is located in the Zone-A. The southern half of the site is also a Zone-1 Water Protection Area for their own on-site public water supply. The nursing home had a waste-water and water design flow of 12,450 gallons per day. The nursing home later upgraded to a moving bed bio-reactor waste water treatment system and a new leaching system, the MBBR treatment system. They will be reusing the MBBR treatment system and about 2/3 of the leaching system. Eight of the leaching trenches will be removed and four will be rebuilt. The design flow will be going from 12,450 down to less than 10,000 gallons per day. The impervious lot coverage will be reduced to less than 20% (it is currently at 23%). They are also required to keep everything they possible can outside Zone-1. He said all of the waste water will be out of the Zone-1, as well as all of the storm water recharge. They also had to agree that the storm water from all the roofs will be captured and recharged. Storm water from the parking will be captured, go through a deep sump catch basin, manhole, a hydro-dynamic separator and then recharged. The access road to the site will have catch basins and another hydro-dynamic separator and leaching. There was a discussion regarding the 20' access easement. There will be work within the 100' buffer zone, which is part of the demolition. One of the houses will be removed. Also, within the buffer zone will be the removal of a paved area or overlook. Work within the buffer zone will include adding recharge basins for the roof of building B, and an existing leaching system that will be used for part of the roof for building A. All of the buildings are outside of the 100' buffer zone, the waste water treatment system (some of which is in the 100' buffer zone) will be re-used. They will come out and add erosion control before doing any of the demolition. The only buildings that will remain are a shed that is part of the waste water treatment system and an 8x10 shed for the irrigation well (that may need to be rebuilt). There is a garage (one of

the last buildings added) which will stay as the construction office and then be removed at the end. The solar panels will come out and be reused. All of the oil storage tanks and propane tanks will be removed. The large generator on site will be removed and replaced with a smaller generator. Member Yeatts said, she liked this project but felt that there would need to be conditions on the project after a discussion with DEP to protect the Zone-A which would fall on the local community. She felt there needs to be a full Order of Conditions with all the regular conditions. She said she has no problem with this but feels there needs to be a formal document, an Order of Conditions that's registered in Plymouth that makes sure that we have access to protect our community's resources. Member Knox asked Mr. Delli Priscoli if he had any comment. Mr. Delli Priscoli said that he has done projects in other communities and had a Request for Determination of Applicability with conditions on them. Member Knox said he thought Member Yeatts' point was that a Notice of Intent gives us the right to inspect at any point, an RDA doesn't. He said he agreed with her that they need to do this as a NOI rather than an RDA. He said he supports the project, but it's a better mechanism for the Board. Mr. Delli Priscoli said his issue is timing. He said he would like to see a conditioned RDA. Member Yeatts said our community depends upon us to protect the resource area. The proper documentation is a Notice of Intent. Member Chamberlain said generally an Order of Conditions protects the applicant as well as the town. A discussion about the demolition followed. Member Knox thought an NOI would be better for both parties on a project of this scale. He said they could be on the January 14<sup>th</sup> agenda and as long as there were no changes to the plan, he thought they could issue an approval of what you have in the form of an NOI. Mr. Klein said they could come back on the 14<sup>th</sup> for the Notice of Intent for the construction, but could they have an RDA to start the demolition of the buildings. Chairman Bouchard asked if during construction and after construction, do they plan on putting any kind of notices, fencing, or guard rails, because of the slope is pretty steep. Mr. Delli Priscoli said they can put up caution signs. This is for 55 and over, there won't be any children living there, but children can visit. He said it would be more of a concern if it was unrestricted. They are required to do some things by DEP. Chairman Bouchard said he was looking for a warning that the slope exists and that it is an area that's protected because of its proximity to the drinking water supply and wetland areas. Mr. Kline said there are signs now and will be signs that it's a surface water protection area and a public drinking water supply. Mr. Delli Priscoli said he could add a split rail fence near the picnic tables. Member Knox asked if Member Yeatts would be agreeable to an RDA for demolition only. Member Yeatts said yes, with conditions. She explained they would need to see the siltation barrier (a full siltation barrier). She asked if the only place that the demolition would be in the buffer zone was the lake house. There was a brief review of the plan. Member Knox asked if they issued an RDA just for demolition, what would they be looking to do for demolition between now and January 14<sup>th</sup> when they issue the RDA. Mr. Kline said it would be mainly the buildings. Chairman Bouchard said as a condition for the demolition, they would ask for a written plan that itemizes which things are going to be done first. Mr. Delli Priscoli thought that was a good idea, but it would be structures, not including the garage, and no pavement.

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

Voted: to issue a determination of applicability for demolition only (negative #3), which says the work described is in the buffer zone and subject to the following conditions: 1) Conservation will be notified when the siltation barrier is in place and will be inspected prior to demolition. 2) Notify Conservation when the demolition is occurring (specifically the lake house). 3) Applicant will return for the full NOI for the remainder of the work.

Unanimous approval.

Member Yeatts asked (since they didn't have much review time) if within the next few days if the Commission found something else they could let Bob know and he could contact the applicant. There was more review of the plan and buffer zone.

**6 Charles St. – King** - Robert and Tammy King were present for discussion regarding a Request for Determination of Applicability for a seasonal aluminum pier. Ms. King said that this past summer they put up a new Shore Master aluminum pier extending from the permanent concrete pier, keeping it within their property line which is not the same as the Chapter 91 line. The southerly abutter filed a complaint against the Kings with the Department of Environmental Protection. MassDEP has requested that both parties apply for a simplified Chapter 91 Waterways License. The license will cover the seasonal aluminum pier, permanent concrete pier, and rock wall. Both the concrete pier and rock wall were installed before 1984. MassDEP has requirements for the application: 1) an engineered survey to determine the Chapter 91 projected line out into the water 2) requirement to stay at least 25' from the southern abutter's Chapter 91 line. The aluminum pier has been redesigned, as well as the boat lift and jet ski lifts, to be 25' from both north and south abutter's line. 3) A wetlands Order of Conditions must be acquired for the seasonal aluminum pier. Chairman Bouchard said that the Kings contacted him for some guidance, the Commission normally does not get involved in Chapter 91. Chairman Bouchard said he contacted DEP but it was unclear what they were looking for. He explained to DEP that they had discussed this in house and felt that additional permitting would not be required since it was a seasonal fixture and there was no impact to the wetlands. After discussion, Chairman Bouchard said they would do an RDA and DEP agreed. The Commission recommended that the Kings submit an RDA and a negative 2 determination would be issued. Chairman Bouchard said they would put this on the January 14<sup>th</sup> meeting for discussion. An ad will need to be placed in the paper prior to the meeting.

**Southeastern Regional Planning and Economic Development District (SRPEDD)** – Jed Cornock was present for discussion. SRPEDD has been hired to re-do the Master Plan. He wanted to know what type of applications come before the Commission and are there any challenges that the Board faces. Massachusetts General Law requires the Planning Board to adopt a Master Plan that has nine chapters. Those chapters are: planned use, housing, economic development, open space and recreations, natural and cultural resources, services

and facilities, transportation and circulation, and implementation. Mr. Cornock asked for feed back from the Board regarding the potential need for a full-time Conservation Agent. Member Yeatts said that as a former Conservation Agent and also a tax payer, she felt there wasn't really a need for full-time. Chairman Bouchard said that more hours could be used to do follow up and looking at properties. There was a brief discussion regarding hours. Mr. Cornock said that it seems the Commission needs more time to discuss this issue. He said the next Master Plan Implementation Committee meeting is January 7<sup>th</sup>.

**Approval of Minutes October 8, 2019 -**

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

Voted: to approve the meeting minutes from October 8, 2019.

Unanimous approval.

**Adjournment** – (8:18pm)

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

Voted: to adjourn.

Unanimous approval.