

Town of Lakeville
Conservation Commission
Tuesday March 10, 2020
7:00PM – Lakeville Police Department

Members present: Joseph Chamberlain, Richard Hagerman, John LeBlanc, Nancy Yeatts, Josh Faherty and Chairman Bob Bouchard.

44-46 Rhode Island Rd - Request for Determination (RDA)- Nyles Zager from Zenith Consulting Engineers was present for discussion. Chairman Bouchard read the legal notice into the record. Mr. Zager said they filed an RDA for what they believe is a non-jurisdictional isolated wetland on a parcel of the former Lakeville Hospital. Mr. Zager explained that he has provided calculations that will determine whether or not this property is an isolated land subject to flooding (ILSF). If it is determined to be an ILSF then it would be jurisdictional and have a 100' buffer zone. According to the aerial overview plan, the contributing watershed was shown. Mr. Zager said that to determine if an area is an ILSF there are three steps. First, to determine if it is isolated, does it have any outlets. This property does. Second, can it hold up to six inches of water (for an average volume of a quarter acre-foot). This property can since it's a large area. Third, to determine the watershed going to it, apply a 1-year storm event (2.7" of rain) over a 24-hour storm and determine if that produces the quarter acre-foot of volume that can contribute to it. According to their calculation, it does not. It is their determination that it is a non-jurisdictional area. They are requesting a negative determination. Chairman Bouchard said that the wetland appears isolated on all sides at this time, but as though at some time, it was interconnected with the other wetland. It appears there are man-made berms and pathways that may have blocked whatever connection existed. Chairman Bouchard believes this was back when the hospital was operating. Mr. Zager said that this would be considered historic fill and would still be exempt. Member Yeatts said she had the old plans from the hospital that went with an Abbreviated Notice of Resource Area Delineation (ANRAD). At that time, they determined that it was isolated. There was a review of plans and discussion about the filing with the Zoning Board of Appeals.

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

Voted: to issue a negative determination #1.

Unanimous approval.

2 Cranberry Drive - Abbreviated Notice of Resource Area Delineation (ANRAD) – Nyles Zager from Zenith Consulting Engineers was present for discussion. Chairman Bouchard read the legal notice into the record. The areas of wetland flag A1-A9, A11 and A12 and wetland flag B18-B35 were discussed. The line was flagged by HydricSolutions. Mr. Zager said his client would like to confirm the line and possibly get another lot out of the property. He said that if any construction were to take place there would be another filing submitted to the Commission. Chairman Bouchard asked about access to the lots and any potential wetland

crossing. Mr. Zager said the access would be from Cranberry Drive. There was a discussion regarding the site.

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

Voted: to close the hearing and issue an Order of Resource Area Delineation (ORAD) to approve wetland flags A1-A9, A11 and A12 and B18-B35.

Unanimous approval.

2 Equestrian Way – Notice of Intent (NOI) - Nyles Zager from Zenith Consulting Engineers was present for discussion. Chairman Bouchard read the legal notice into the record. This property was in front of the Commission already and was issued an Order of Conditions (OOC) for the subdivision of land. The boundary shown is an approved wetland line under that OOC. The only work in the buffer is a small portion of the garage, the driveway, and landscaping and grading. Roof gutters have been included in the plan to provide some recharge. Member Yeatts asked if all the drainage easements were in. Chairman Bouchard said they were. There was a discussion about a culvert on the property.

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

Voted: to close the hearing and issue an OOC with all of the Standard Conditions.

(There was a brief discussion about the silt fence).

Unanimous approval.

14 Betty's Neck Rd. – Notice of Intent (NOI) – Azu Etoniru from ET Engineering was present for discussion along with Anthony Zucco, the property owner. Mr. Etoniru went over the plan with the Commission, explaining that the wetlands have been flagged. A perc test was done and witnessed by the Board of Health. To the west side of the property is Tamett Brook which is a tributary to the drinking water supply. According to code, the septic system is required to be 200' from any tributary to a water supply. During the delineation, it was noted that during a period of non-declared drought, the brook was not flowing. Now, according to the GIS maps it is shown as a solid blue line, so in the design it is marked as a perennial stream. An erosion control barrier of hay bales and a silt fence will be used around the project. Chairman Bouchard asked how long ago the site was mined for sand and gravel. Mr. Etoniru said that it was at least 30 years ago given the maturity of the vegetation. Member Chamberlain asked if the application includes the proposed garage. Mr. Etoniru said it does. Chairman Bouchard asked what the two large yellow areas designated as "stock pile" were for. Mr. Etoniru said that it was designated for materials during construction. Member Yeatts had questions about the wetland line and would like to walk the line with Ken Thompson and do some more soil samples. She also had questions about some of the flags around Tamett Brook and the potential vernal pool. She would like to see if that really is a vernal pool and have it certified. Mr. Etoniru asked if it was possible to notify the Board of Health that a well could be drilled due to its location. Chairman Bouchard said between now and the next time they have a meeting, there should be no construction, no brush cutting, no tree cutting, no grading. Mr. Etoniru agreed.

Upon a motion made by Member Yeatts, seconded by Member Chamberlain, it was:
Voted: to continue the hearing for 14 Betty's Neck Rd to March 24, 2020 at 7pm.
Unanimous approval.

141 County St - Notice of Intent (NOI) – Elyse Tripp was from Outback Engineering was present for discussion representing ProGroup Contracting. Chairman Bouchard read the legal notice into the record. Chairman Bouchard distributed the revised plans to the Board.

Upon a motion made by Member LeBlanc, seconded by Member Yeatts, it was:
Voted: to accept the new plan for 141 County St.
Unanimous approval.

Ms. Tripp said that the biggest reason for this NOI was the Enforcement Order that was issued on 2/14/2020. That Enforcement Order involved the demolition of the two silos that were partially within the 100' buffer to the wetlands. During that week, there was a lot of wind and rain causing damage to one of the silos. Because of that damage, the applicants felt that it was a public safety hazard and got a day of demolition permit from the building department, in their haste, they didn't realize that they needed an Emergency Certificate from the Conservation Commission. The silos were demolished without the proper approvals from Conservation. With this NOI, it is proposed that the foundations to these silos are either removed, or will remain so as to not create more disturbance and they will loam and seed the area. They have also added to the plan. They are now proposing to remove the existing driveway, loam and seed the area and leave a small portion of the paved driveway by the front walkway. The applicants have decided to add a gravel driveway with an entrance into the barn. They recently had a negative determination on the reconstruction of the barn. During the process, they realized that the foundation couldn't really be kept. They are proposing to move the barn a little further from the wetlands and put a 24'x24' garage within the barn with the gravel access off of County St. They will go to the Department of Transportation (DOT) to get the curb cut. They are proposing a gravel around the other end, widened to have room for turn around and a gravel access path. A silt fence is in place currently, and hay bales will be added. With the barn they will be tying into the septic for a small bathroom. The leaching field will remain where it is. There will be some grading to slope the water away from the foundation as well as some fencing. They do have some designated areas for stock pile during the construction. Chairman Bouchard asked if there were changes made to the property line. Ms. Tripp said that the silos divided the property line around the silos. Since the silos were taken down, they will make the line straight. Member LeBlanc said that originally there was to be no excavation. Now there's excavation and a whole new foundation. Member Yeatts, said they were already pushing it. The driveway is coming within 19' of the wetland on the other side. On the plan with the detail of the silt fence and hay bales, it says stake hay bales from end to end or 12' straw wattles. Ms. Yeatts said she would prefer they take the 12' straw wattles out. Ms. Tripp said that it was an oversight on the plan and it would be with the straw wattles as well. Chairman Bouchard said at one time the idea was to remove the driveway on Highland Rd. altogether. Ms. Tripp said it was, what she understood was it was too difficult to use as a regular access way. There was a brief discussion about the property.

Chairman Bouchard asked about the remains of the silo. Some of the base is left and Chairman Bouchard wanted to know what the plan was for it. The owner said that the plan was to break it up and bury it as part of the work on site except for the stones. He said his father wants the stone so they will be piled there. Some fill will need to be brought in to bring the area to grade. Chairman Bouchard reminded the applicant that if there are any changes to this plan, especially burial of any material, or relocation of the roads, to let the Commission know. Member Yeatts asked what would delineate the edge of the gravel drive? Ms. Tripp said that they could do a berm or a post and rail fence to demarcate the wetlands. The applicant said he could put plantings along that line. Ms. Tripp will add that into the plan.

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

Voted: to close the hearing and issue an Order of Conditions with our Standard Conditions and to also include that the Commission receive plans that will show plantings along that proposed gravel drive behind the barn.

Unanimous approval.

43 Baker Lane- Certificate of Compliance. Chairman Bouchard said that this was part of the huge subdivision behind the schools. There was an Order of Conditions for the whole subdivision but with all the lots, only one has asked for a Certificate of Compliance. Now the lot next door has also asked for one.

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

Voted: to issue a Certificate of Compliance for 43 Baker Lane.

Unanimous approval.

12 Dunbar – Chairman Bouchard updated the Commission stating the house has been demolished and they are in the process of putting in the septic system and digging the foundation. Chairman Bouchard did a site visit as noted in the Order of Conditions. He said they were in good shape.

162 Bedford St. - There were some interested buyers who want to put in a sheep farm. There would need to be a wetland crossing to access the land in the back. Chairman Bouchard said there would need to be an alternatives analysis done to allow that. Member Chamberlain said maybe they should contact the Agricultural Commission regarding any regulations.

Massachusetts Coastal Railroad Certification - Chairman Bouchard said it was time to get recertified. Any member that wants to recertify can attend the class on March 19th or 20th.

Approval of December 10, 2019 meeting minutes -

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

Voted: to accept the minutes from December 10th as amended.

Unanimous approval.

Adjournment - (8:27pm)

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

Voted: to adjourn.

Unanimous approval.