

Town of Lakeville  
Conservation Commission  
Tuesday April 28th, 2020  
7:00PM – Remote meeting

Members present: Chairman Bob Bouchard, Joseph Chamberlain, John LeBlanc, Mark Knox, Josh Faherty.

**Pauline's Path -73 Howland Rd (lots 2, 3, 4) Notice of Intent** - Nyles Zager from Zenith Consulting Engineers was present for discussion. Chairman Bouchard asked Mr. Zager if he had a preference to the sequence or if he would like to open up all four and discuss them simultaneously. Mr. Zager felt that discussing the subdivision in general first and then discuss lots 2, 3, and 4 from there. This is a four-lot subdivision off of 73 Howland Rd. This will basically include a "common driveway" that is 20' wide with a hammerhead turnaround at the end. A Notice of Intent was filed. The work that is being discussed is the grading, the infiltration basin, and another small amount of grading. They have gone through Stormwater Management, but with a subdivision of less than 4 lots, Stormwater Management is not applicable. This infiltration basin will control the 100-year storm event. An elevated road has been designed which slopes from one side to the other which is captured in a sediment forebay. The water enters the forebay and builds up to a certain elevation. During that time, it's supposed to settle out a lot of the siltation. It then over tops and goes into the infiltration basin. There is an emergency spillway that would handle flow larger than the 100-year storm event and would send the overflow into the wetlands. There was a brief discussion about the surrounding wetlands. Chairman Bouchard said he did a site visit with Bob Forbes and they saw a lot of the flags, not all, but enough to convince him that what they were looking at was good. The material was good gravel and the change in elevation is steep. He was satisfied with what he saw and would recommend approval on this. Member Chamberlain asked if there would be a maintenance plan on both the forebay and infiltration basin. Mr. Zager said there would be. There was a review of the erosion control plan. Member Chamberlain also asked if there is a 100-year storm event and the infiltration basin tops over and overflows what would be the material in what's overflowing, and would there be a rip rap fall to try and trap sediment before it ends up in the wetlands? Mr. Zager said that the basin has a foot of safety between the top of the berm to where the 100-year storm event would be in elevation. They have set the spillway half-a-foot below the top of the berm. Member Chamberlain asked where the water table was. Mr. Zager said it was 60.9, about a foot below the wetland. There was a review of a cross section of the infiltration basin. Member Chamberlain also asked if this project had been approved by the Planning Board yet. Mr. Zager said it had not. Member Chamberlain questioned if the end of the roadway would be acceptable for the Planning Board. Member Knox said no, he had some questions about it. There was a brief discussion on a possible cul-de-sac. Mr. Zager said that even if they change the hammer-head to a cul-de-sac, it would not change anything with this filing. It would still be outside the 100' buffer zone. Member Knox asked if they did need to pave that as a circle, would the drainage still handle it. Mr. Zager said that he would have to check, but he felt fairly confident that the basin would

because there is so much sand, the infiltration can take a lot of flow. Member Knox also asked where the drainage spillway is, where wetland flags A-52 and A-53 are, how close to the wetlands will the grading be? Mr. Zager said it would be about 5'. He said he would agree to double up the erosion control, both the silt fence and the silt sock until he got out of the 25' line. Member Knox said another concern he has is where the spill way comes out, it shows the rip rap cresting the top of the retention pond and out until the grade becomes steep. He asked if the rip rap could come down to the wetlands so if it did overflow, it wouldn't undermine everything below the spill way. Mr. Zager said they could do that, extend it down the slope. Member LeBlanc asked if this would be a private road. Mr. Zager stated it would be. Member LeBlanc asked if the homeowners would be responsible for maintaining the spill way. Mr. Zager answered they would. Member Knox explained that the Planning Board would be responsible for making a covenant as part of the approval for maintenance.

Chairman Bouchard stepped down and made a motion, seconded by Member LeBlanc, it was:

Voted: to issue an Order of Conditions.

*Discussion: Member Chamberlain said they would need to note in the Order of Conditions the things that Mr. Zager has already agreed to. Member Knox asked for the extension of the spill way and the extension of the silt fence. Chairman Bouchard said he would like to be notified once all the lots are cleared because there were a couple of places he would still like to check before actual construction starts. Member Knox said it would be a motion to approve the construction of the roadway and the retention pond for Pauline's Path with the extension of the rip rap and the added silt fence.*

Unanimous approval.

**Lot 2 Pauline's Path** - Mr. Zager explained this was the lot at the end of the cul-de-sac. The only work within the buffer zone on this lot would be tree removal and grading. A silt sock is proposed. There is a 10' slope and there will be a 10' wide level spreader which acts as an infiltration basin. Member Chamberlain asked what they would have for stabilization on the slope. Mr. Zager answered it would be loam and seed. Member Chamberlain also asked what the slope was. Mr. Zager said 5 to 1. Member Knox asked about the erosion control plan, it shows a jute mesh erosion control blanket. Was it a preventative measure? Mr. Zager said it was a preventative measure. He explained it would be mainly at the back of the infiltration basin where they would typically use it. Member Knox said he liked the level spreader, it's a good preventative measure just to put it on the plan. He liked seeing that rather than just a slope all the way down to the wetland. He asked if it was about a foot deep. Mr. Zager said it was. He explained that the amount of water it would be getting is very minimal. The level spreader design was also used on Equestrian Way project. Member Faherty asked about how the wetland flags were located. Mr. Zager said their survey company locates the wetland flags for location and elevation. It's all done with survey equipment and located fairly accurately. Member Faherty asked if he could speak of the accuracy. Mr. Zager said that these are done with a robot and are accurate to within 1/100 of an inch.

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

Voted: to approve lot 2 with the Board's standard conditions.  
Unanimous approval.

**Lot 3 Pauline's Path** - Mr. Zager said this is the only lot to have a piece of the home within the buffer zone. The line cuts through the garage, but the house is outside the buffer zone. There is also a portion of the level spreader that is on this lot. The only areas on the plan that are a Conservation concern are the driveway, a small portion of the garage, and the level spreader. There is a walk out basement with a terraced wall to minimize the amount of fill the needs to be brought in or out. There is also a small retaining wall at the end of the driveway to make the grading work. There is a Zone-A flood zone that runs along the erosion control and then back out. There is no work within the flood zone. The only work is within the bordering vegetated wetlands (BVW). Member Chamberlain asked what the retaining wall construction would consist of. Mr. Zager said it would most likely be a stone wall or a redi-block wall. Chairman Bouchard asked if Mr. Zager usually got requests by other towns that he specify the nature of walkways whether they are cement or pavers. Mr. Zager said he doesn't since it's usually so minimal. In this situation it would be completely outside the buffer zone. Chairman Bouchard explained on occasion in the past when they had work in a critical area they did specify, especially when there was work along a bank adjacent to a pond, inside the BVW. Mr. Zager agreed that if it was an area on Long Pond or Assawompset, within a critical area, he could see the Commission wanting a little more detail on it. Member Knox asked what the order of construction would be as far as the wells and grading. Mr. Zager said they would have to do a lot of the grading first just because of the existing grades on the site. He thought the roadway would have to be constructed first and then construct the basin so the water runs off into it as the lots are graded off.

Upon a motion made by Member Knox, seconded by Member LeBlanc, it was:  
Voted: to approve the Notice of Intent and issue an Order of Conditions for lot 3 of Pauline's Path.  
Unanimous approval.

**Lot 4 Pauline's Path** - Mr. Zager said this lot has frontage on both Howland Rd and Pauline's Path. There is no wetland, BVW, or flood zone on this lot. There is a low area on this site, they created something like an infiltration basin that will pool water up and make sure that during a 100-year storm, abutting properties will not be affected. The only work in the buffer zone on this site is a small portion of grading and clearing.

Upon a motion made by Member Knox, seconded by Member LeBlanc, it was:  
Voted: to approve the Notice of Intent and issue an Order of Conditions for lot 4 of Pauline's Path as noted on the plan with the standard conditions.  
Unanimous approval.

**14 Betty's Neck** - There is a revised Order of Conditions that needs to be voted on to approve and the members of the Commission will need to come in to sign. The applicant has no issues with the revised list. The location of a vernal pool has been removed from the plan. After

some discussion with the applicant's engineer, the Commission was under the impression that it was to the rear of the garage. The plan was misread and it is actually a topographic high, not a depression. They were looking at a small area adjacent to the garage which is off the property. There was a brief discussion about vernal pools. Member Chamberlain mentioned that they were already doing some tree cutting and stump removal on the property. Member Yeatts had driven by the property and noticed it had been clear cut. Chairman Bouchard said this was done before they had been given the Order of Conditions. They were told that they could remove one or two trees to gain access to the well site and to do some minor grading. Chairman Bouchard went out to the site to verify and then contacted the applicant. There were a couple of places where they cut trees that were right up against the wetlands before the extension of the silt curtain and hay bales. Chairman Bouchard told the applicant not to do anything on the site until he heard from the Commission with an Order of Conditions. Member LeBlanc asked if they had done anything that the Commission would not have allowed. Chairman Bouchard said he would probably have asked for a more specified edge of work and tree line. There is also an ongoing discussion with the Board of Health as to where the septic system will be located. Chairman Bouchard took a simple vote to approve the Order of Conditions. All members were in favor.

**12 Village Rd** - Certificate of Compliance. Chairman Bouchard has re-inspected the property and found it satisfactory. He recommended approval by the Commission. He took a simple vote to approve the Certificate of Compliance. All were in favor.

**110 Highland Rd**- Chairman Bouchard said there were actually two projects with two different filings. He spoke to the engineer and was told there will be plan revisions but he hasn't seen them yet. The other part of that property is lot 3, that has already had a hearing. There was originally an Abbreviated Notice of Resource Area Delineation (ANRAD) on this lot. The applicant would like to revise that plan but Chairman Bouchard has not received a copy as of yet.

**7 Joshua Lane** - This has been an ongoing issue between two neighbors with complaints. Chairman Bouchard felt the only way to resolve this is to have one of the parties file a Request for Determination (RDA) to see if there is a wetland issue. For the most part this is a civil matter whether or not the fence is on the property and whether or not water was discharged. All of that is outside the wetland area. Chairman Bouchard measured from the edge of the wetland and came up with 106' from where the end of the fence is, and any work that was done. For that work, it is outside the Commission's jurisdiction and it's a civil matter.

#### **Meeting minutes –**

Upon a motion made by Member Knox, seconded by Member LeBlanc, it was:  
Voted: to approve the December 10, 2019 meeting minutes as drafted.  
Unanimous approval.

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

Voted: to approve the January 14, 2019 meeting minutes as drafted.  
Unanimous approval.

**Adjournment** – (8:06)

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

Voted: to adjourn  
Unanimous approval.