

Town of Lakeville
Conservation Commission
Tuesday May 12, 2020
7:00PM – Remote meeting

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

85 Howland Rd. – Notice of Intent (NOI) - Nyles Zager from Zenith Consulting Engineers was present for discussion. There was a review of the plan. Mr. Zager said there are actually no wetlands on the property. There is a 100' buffer zone to the rear of the property that no work will be conducted in. The proposed work within a resource area is the drainage ditch with a perennial brook that runs into the wetland area in the rear. They will be within the 200' riparian zone. Within the Rivers Act, either 5,000 square feet of disturbance is allowed or 10% of the riverfront area, whichever is greater. On this project 5,000 square feet is greater. They would have been able to slide the septic and house more to the east, but there is an existing dwelling with a well right on the property line. With the 100' requirement of Title 5 for distance between well and septic, it forces the septic to be placed in the proposed position. They are 102' from the existing well. The proposed well at 85 Howland is placed in the rear of the property to allow the same 100' distance from the septic system at 87 Howland. Member Chamberlain asked if the lot had been grandfathered since it is less than 70,000 square feet. Mr. Zager said it was created prior to the zoning. Member Knox asked about the driveway and outbuilding to the left (west) of the septic, would they be shared use. Mr. Zager said they would have to provide a separate plan since it is within the deed that an access easement be provided. Member Knox also asked if there would be any work done for that or if it was just a paperwork exchange. Mr. Zager said that was correct. Member Knox followed up asking if the silt fence barrier would be the extent of the disturbance to the west. Mr. Zager said it was. Member Chamberlain asked if the property to the rear was owned by Mass Audubon. Mr. Zager said he believed it was. They had been notified of the project but Mr. Zager had not heard from them. Member Yeatts asked what the silt fence barrier was going to be. Mr. Zager explained it would be a silt sock and showed the barrier line on the plan. Chairman Bouchard asked about the tree line. Mr. Zager responded that was the proposed tree line that will go around to the well site. They will need to make a well access road to get the well rig back there. Member Yeatts asked if they would be staying to the right side of the property for the well road. Mr. Zager said that is correct. Chairman Bouchard said after reviewing some previous filings they should ask for more clarification on tree lines; existing versus proposed. Some times it is vague and they should try to get both.

Upon a motion made by Member Yeatts, seconded by Member LeBlanc, it was:
Voted: to close the hearing and issue the standard order of conditions.
Unanimous approval.

13 South Ave – Request for Determination of Applicability (RDA) - Nyles Zager from Zenith Consulting Engineers was present for discussion. This property is located in Clark Shores, right on the water on South Ave. The client has a failed septic system completely in the water table. They own 13 South Ave., along with the property located across the street which has a work shop/garage and their well (located within the building). The only system they can do here is a tight tank. The properties on either side of this location also have tight tanks. They are proposing to decommission the existing

septic system and install a monolithic H-20 tank, which is seamless and less likely to leak. The H-20 tank is also for buoyancy since the water table is an issue, they have to keep the tank weighted. The only way to do that is to put a concrete slab ballast on top of the tank to weigh it down. They need to make sure that when the tank is pumped it doesn't float. Mr. Zager said they really couldn't get it any further from Long Pond because of the well (located across the street) and there is also a bordering vegetated wetland to the rear of the property which is a tributary to Long Pond which is a surface water supply. They did notify Taunton and New Bedford Water because of variances needed for the Board of Health, but have heard nothing back. Chairman Bouchard asked the age of the original tank to be decommissioned. Mr. Zager said it was the original tank from the 1950's. Chairman Bouchard also asked about the existing well – were there any proposed changes and how high was the casing above the ground. Mr. Zager answered there were no changes planned and that there was no casing, it was actually a cover to grade inside the building. Chairman Bouchard said this was an area that is subject to severe flooding and he has noticed that some wells with short stick-ups are being influenced by surface water, which isn't a good thing. There will be no changes to the garage, the only changes will be made to the front of the property.

Upon a motion made by Member Knox,

Voted: to issue a negative determination on the RDA.

Discussion: Member Yeatts said before she seconds the motion, she wanted to know what type of negative determination. This would be a negative three determination.

Member Yeatts seconded the negative three determination.

Unanimous approval.

7 Joshua Lane – Request for Determination of Applicability (RDA) – Applicants Glen and Heidi Hautala were present for discussion. Ms. Hautala displayed a photo of the property and said they would like to bring in some loam and level it out since there are a lot of uneven areas to make it safe for the kids. She also displayed a photo of the property prior to fence placement and then one of the new fence. The only area that will be in the buffer zone would be the chain link fence that will run across the back of the property since they are going to have a pool. It will connect to the vinyl fencing in the back and will go into the woods about 10-15' to connect the existing vinyl. There was some previous oriental bittersweet that they are trying to cover up so it won't grow back since it's invasive. Chairman Bouchard asked if they had a plan of the property that they could look at. Ms. Hautala showed a plot plan. Chairman Bouchard said he measured the property from the rear of the property (where a small stream is located, (which he believes is the start of the wetland) to their property which was 106'. He said the majority of the work they've done to date is outside the buffer zone. The abutter disputed the measurement and there was a discussion about the buffer zone and work that was done. Chairman Bouchard asked if she had any photos. She explained that she didn't have Zoom and was unsure how to get them to him, but she had multiple pictures. Ms. Hautala showed a photo prior to the removal of the bittersweet showing the tree line. Member Yeatts wanted to know how far into the buffer zone they were working. The abutter stated that the bittersweet tree had a wetland flag in front of it and there is a perennial stream. Member Knox asked if in the back corner of their lot, if the site plan showed a stream or if it was a marking of wetland flags. Chairman Bouchard said that the map is hard to interpret because of the angle that the property lines take. But it looks like in the lower left-hand corner the wetland line is at an angle so a small triangle might be on their property that would be part of the buffer zone. He said the area he was talking about was on the other side, the fence line that separates 5 & 7 Joshua. That was the one he measured. It appears that a small portion of their property is in the wetland. Member Knox said the issue he has is that he didn't have the property line to correlate with the wetland lines and the tree line, just to give a sense of the parameters of their work

and the relation to the wetlands. It looks like their map shows wetland flags way back in the right-hand corner of the property. The abutter calculated out what she believed to be the square footage within the buffer zone as 4,700 square feet. Member Knox stated that you are allowed to work in the buffer zone as long as the protections are right. The abutter stated that they cleared all of it and that's what the issue is. Member Yeatts said that nothing really shows how close to the wetland line and how much into the buffer zone they are. She asked where they planned on putting the shed. The applicants said they would be putting it parallel with the abutting neighbor's pool. Chairman Bouchard asked if they had more stumps to remove. They replied there were not. Chairman Bouchard asked if the fence was complete. They said it was, other than the chain link in the back which will fall in the buffer zone. Chairman Bouchard said fences were exempt and asked if they had spoken to Nate Darling about the location and if he was ok with it. They said yes. Member LeBlanc asked Chairman Bouchard if he measured from the stream to the area that they want to do work in. Chairman Bouchard said that he measured pretty much to where the fence ends and that was approximately the tree line now. Member LeBlanc asked if that was where they were going to put the fence. Member Knox clarified that they wanted to add six feet to the vinyl fence and then add a chain link between the two. That would be within the buffer. Member Yeatts asked how much in the buffer. Ms. Hautala said it would be no closer than 70' (but would depend on the area). Member Knox asked Chairman Bouchard if the stream would be the wetland line. He said it was. The fence will be approximately 80' from the wetland line. Everything else is further away. Member Yeatts said if everything is outside the 50' that she is fine with it. The applicants said everything was outside the 50' buffer. They will be hand digging the fence posts since the area is tight they can't get the pole digger in there. Chairman Bouchard asked if they would be bringing in any fill. Ms. Hautala said they had spoken to a landscaper about getting the roots of the Oriental Bittersweet out and they would replace whatever soil was taken out in addition to enough loam to plant grass. Chairman Bouchard explained he would be in favor of any recommendation that they remove any invasive plants, try to maintain the existing tree line, without bringing in any additional fill materials (other than loam and seed). Member Chamberlain said he would prefer that Heidi and Glen submit a proposed plan, it doesn't have to be engineered, use the plot plan and show where the fence is going to go, where the shed is going to go, the areas that the invasives are going to be removed, and loamed and seeded. Then we have a document that shows it. There was a brief discussion regarding submitting a plan of record.

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

Voted: to approve a negative 3 determination with conditions: 1) no additional fill, just loam and seed. 2) a hand measured plan showing the limit of work and where everything is going to go. 3) approved removal of any invasive. 4) Irrigation system.

Unanimous approval.

6 Morrison – Chairman Bouchard said there was a request for a Certificate of Compliance for a property where one had already been issued. There is only a copy in the file and the Registry of Deeds would not accept a copy. A new signature page will be generated for the Commissioners to sign. Chairman Bouchard explained it didn't matter if you weren't on the Commission back then.

110 Highland Rd - The applicant would like to make a slight modification and move the house a few feet in one direction. A revised plan has been submitted. Chairman Bouchard didn't think it would require a new NOI to accommodate the applicant. Member Knox said it could be picked up with the Certificate of Compliance at the end.

Churchill Shores - Chairman Bouchard received an anonymous complaint about someone filling in wetlands adjacent to the community center. He did drive by the community center and behind it there was brush and leaves, utility poles and all kinds of material, not just adjacent to the building but in the wetlands. There was a note on the door of the community center signed by the Treasurer that said stop dumping in the wetlands, it's against the law. Chairman Bouchard added his own note that said to stop or he would issue a cease and desist and to call him. The Treasurer did call and said his organization would clean it up. Chairman Bouchard said as long as they did, they wouldn't have to get into an enforcement order, but if there was additional dumping, they would have to take additional action. Chairman Bouchard will continue to monitor the site.

Meeting minutes -

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

Voted: to approve the February 11th minutes for 2020 Conservation meeting.

Unanimous approval.

Next meeting – There is only one RDA off of Montgomery St. that has come in. Since they are not really in a hurry, Chairman Bouchard would like to hold off until June for the next meeting (June 9th).

Adjournment –

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

Voted: to adjourn.

Unanimous approval.