

Town of Lakeville
Conservation Commission
Tuesday May 26, 2020
7:00PM – Remote meeting

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

5 Harding/39 Cross St. – Notice of Intent (NOI) – Zenith Consulting Engineers. Jamie Bissonnette was present for discussion. Bella's Way is a proposed three lot subdivision with one form-A lot and two lots in the rear. This will be off a private right of way with waived construction practices. Lot 1 will utilize the private road for access on to Cross St. The two rear lots will have access via one driveway each. Lots 2 and 3 each consist of a minimum of 4-acres each. Lot 1 consists of at least 70,000 square-feet. Percolation tests have been done on all three lots. For the NOI, they would like to cover the roadway and associated drainage and the two limited projects for crossings to gain access to the houses on lots 2 and 3. For drainage on the front of the site there is a section of trench drain which goes into a manhole and discharges into a grass swale that ends up in a non-jurisdictional isolated depression. Part of that depression is going to be filled in. The main area for drainage is further down with a catch basin that is the low point for the road. Water will flow into a deep sump catch basin and discharges into a four bay and then into a drainage basin. The drainage basin has an outlet structure that is a 4" pipe that will discharge into a swale, the swale will enter into the resource area and will go under the driveway with two 12" pipes. The crossings have areas of minimal access, 20' wide for State Fire Marshall code, they are providing 12" ADS pipes with greater than a foot of cover, so they will exceed the H₂O loading capacity. There is 3:1 sloping on the sides to ensure there is minimum disturbance. A micro pool will be created to help stabilize until everything comes back and the wetlands take hold. This will help with any sediment that may happen during construction. There was a discussion about the pitch of the roadway and drainage. There will be two wetland replication areas. It is greater than 1:1 replication area requirement. Mr. Bissonnette feels that with their alternatives analysis, these are the best areas, with the least amount of impact for crossings. The roadway will be a 14' wide paved road with a 6' wide gravel berm. This would mean minimum construction with minimum impervious area. This will look more like a driveway than a roadway but it will be a private roadway owned by the three lots with either a common roadway maintenance agreement or a condo association. According to Mr. Bissonnette an application has been submitted to Natural Heritage. They have been working with Natural Heritage for over a year for the 5 Harding St. part of this project. He stated that they are having them lock up the majority of the property with a conservation restriction long-term, and they have already delineated some of the areas that they want to keep. Member LeBlanc asked if they were keeping all the water off of Cross St. Mr. Bissonnette said yes, they would not be adding any water to Cross St. Member LeBlanc also asked how far the houses would be from the wetlands. Mr. Bissonnette responded that one would be greater than 50' and they are well outside the 200' riparian. They will be filing additional NOIs for lots 1&2. Member Yeatts asked if it had been approved by the

Planning Board. Mr. Bissonnette said it was not since the Planning Board hasn't had a meeting in three months. He would like to request since there is no DEP file number yet, to keep the meeting open since he would like to hear what comments the Planning Board has before closing out and getting an Order of Conditions. Member Yeatts said she wondered if Nick Lanney was going to look at the drainage calculations for the Planning Board, otherwise she would recommend that Conservation do that. She would like to get a copy of the Planning Board's peer review from Nick Lanney. Mr. Bissonnette said he would rather Conservation request that Nick Lanney review the drainage since they were unsure of when the Planning Board would meet next. He would rather get on it and have the questions addressed. Member Yeatts said that since they submitted to Natural Heritage on May 14th, they would have until June 14th to respond. Mr. Bissonnette said with the Governor's Order, they may have longer, but he felt that they would have their approval before the have Planning Board approval. Member Yeatts asked about the wetland replication and who would oversee that. Mr. Bissonnette said the replication area falls below 4, 000 square-feet and he has no problem overseeing it as long as his client is ok with that. Member Chamberlain asked if there were any abutters that would like to speak. Dave Morrissey (37 Cross St) said he didn't have any questions at this time. Chairman Bouchard said that this filing does not include septic systems even though they are conceptually drawn on the plan. This NOI includes the grading for the drainage, construction of the road, the crossings, and the drainage. Member Chamberlain asked if there would be any lot vegetation clearing and was it part of this NOI. Mr. Bissonnette said the answer should be yes. The limit of work will be hard set since Natural Heritage is keeping toward the river and brook under a Conservation Restriction (CR). Being able to grade lot 1 appropriately to swale the water back is important. They would like to be able to clear as much of the lots within the limit of work on the plan and not construct the septic systems houses or wells yet.

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

Voted: to ask for a peer review by Nick Lanney.

Discussion: Dave Morrissey asked Mr. Bissonnette about the cleared area and if that was where the roadway would be. Mr. Bissonnette said that a 5' buffer would be added and then the road would go beyond that. That pushes the road further away from his septic and his site.

Member LeBlanc asked if they were voting for just a peer review, not to approve this.

Unanimous approval.

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

Voted: to continue to June 9th at 7 o'clock.

Discussion: Member LeBlanc asked if that would be enough time for a peer review. Mr. Bissonnette said that if he or Nick Lanney needed more time, he could ask for a continuance.

Unanimous approval.

103 Staples Shore Rd – NOI, Prime Engineering. Richard Rheume from Prime Engineering was present for discussion. The project is rebuilding an existing dwelling. The original building was 910 sf and the proposed rebuild in the same location is 950 sf. Currently, the first floor is below the flood plain level. Their intention is to bring it up higher than the flood plain level so

the first floor is above the flood plain. There are vent holes to allow the flood waters to get in so there is no pressure on the outside of the wall without a countermanding pressure on the inside of the wall. It is required to have 1 square-inch of opening for every square-foot of floor area. They have specified the elevations and locations of the vent. The plan exceeds the maximum impervious area on the lot. They are converting the existing impervious patio that is against the pond into a lawn area. That will bring the property in compliance with the maximum impervious area. This project will be going in front of the Zoning Board of Appeals for a special permit to allow construction since it doesn't conform to the side yard setbacks. Member Yeatts said she had a hard time believing this isn't within Natural Heritage. She said they would need to send the plans to Natural Heritage and have them comment since the muscles in the pond are endangered and they're working that close to the water. Mr. Rheame said he would have to ask for a continuance and contact Natural Heritage. Member Yeatts said they could always approve pending a decision from Natural Heritage. There is no file number yet on this project so it will need to be continued. Chairman Bouchard said that he spoke to the owner and there was no rush to start the project.

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

Voted: to continue pending receipt of a file number and verification from Natural Heritage to June 9th at 7pm.

Unanimous approval.

30 Montgomery St – RDA (Request for Determination of Applicability), Nancy Kitchen. Ms. Kitchen was present for discussion. She stated that they had the opportunity to purchase some abutting back-land from Kim Jeswald (24 Montgomery St). There is 4.4 acres of back-land but in order for Ms. Kitchen to access that abutting property, there is a drainage ditch that is 10-12' off the property line that would need to be crossed to access this back-land. She would like a determination if this falls under the wetlands purview before she purchases the property. The drainage ditch is seasonal stormwater run-off from 26 Montgomery St. She would like to know if it would be possible to add a culvert to that drainage ditch and bring in fill to be able to cross that ditch. Chairman Bouchard said he wasn't sure if fill would be needed, but would need an estimate of how much material they would need to bring in if it is required. Chairman Bouchard also verified that the drainage ditch is seasonal and is probably within the buffer zone of the adjacent property, but far enough away where he didn't think it would be an issue. The addition of a culvert would create less of an impact. Chairman Bouchard said he would recommend adding a culvert. Member Chamberlain asked if they would contemplate putting a dwelling on this property or just add to their existing property. Ms. Kitchen said they possibly could put a house there for a family member. Member Chamberlain said Chapter 131, section 40 of the Wetland's Protection Act allows for accessing rear of property. Chairman Bouchard agreed. There was a brief discussion. Member LeBlanc asked if it would just be residential traffic using the crossing. Ms. Kitchen said that was correct. Member Yeatts asked how close the stream was that showed on the GIS map to where the crossing was. Chairman Bouchard said 10-12' from the property line to the crossing and probably 40-50' to the wetland line in the other direction. Member Yeatts said no abutters had been notified and how is their property going to be impacted. Ms. Kitchen said they wouldn't be changing the direction of

the water or any flow of the water. Member Yeatts did not feel that the plan that accompanied the RDA showed any wetland lines or a stamp from the accessors. Ms. Kitchen submitted a quick drawing with the request so she could determine how much she would have to go through to be able to purchase the property. She did not want to spend tens of thousands of dollars to be able to cross a drainage ditch. Member Chamberlain said she filed an RDA so he thought the Commission would issue a positive determination that it does involve the wetland regulations, but in a minor way. Chairman Bouchard thought that they would need an NOI that defines the channel and all the specifics to the culvert and abutters. He didn't see any reason why they wouldn't approve something like that. He said Ms. Kitchen's original question of whether this was feasible and should she proceed. It appears that this would be reasonable.

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

Voted: that they issue a positive determination #1.

Unanimous approval.

110 Highland Rd - Revised plans have been submitted with a few minor changes. They decreased the footprint of the new house, and changed the location of the driveway a bit, minor changes. Chairman Bouchard said if the Commission agrees he would recommend that they proceed.

All members agreed.

Adjournment –

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

Voted: to adjourn.

Unanimous approval.