

Town of Lakeville
Conservation Commission
Tuesday June 30, 2020
7:00PM – Remote meeting

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

123 Staples Shore Rd - RDA (Request for Determination of Applicability) – Tom Barron. Mr. Barron said Bob Bouchard had come out and had two questions. Did the plan say “dock” or “deck” and were they going to use sonotubes. They discussed the concrete that was there. It has re-bar in it so there are no cracks. Mr. Barron wants to put a deck on an existing concrete walk. Member Knox said that he spoke with Mr. Barron and his question is would the building inspector require him to drill a hole in the concrete to go down four feet in order to put a sonotube with a concrete foundation through the existing concrete patio. Member Knox asked if all the footings, if required, all through the existing concrete. Mr. Barron said there would be a couple that would probably be in regular soil. However, Mr. Barron does not know for sure.

Chairman Bouchard joined the meeting

Chairman Bouchard said he has been out to the property a few times. He explained that the concrete pad is in good shape and where he wants to put the extension to the house is right on the waterfront. He recommended an RDA for the project. Member Knox asked about the sonotubes that would be in the soil, off the patio. Chairman Bouchard said that the applicant isn't 100% sure which excavation he is going to use so they could make it a condition of the RDA that once they make the decision they notify the Commission before they proceed. Member Chamberlain asked for clarification since Mr. Barron said he was adding a deck, but Chairman Bouchard said he wants to extend the house. Mr. Barron clarified that he was adding a deck and not doing anything to the house. Member Yeatts asked how close to the water they were going to build the deck. Chairman Bouchard replied that it would be maybe 20-feet. Member Yeatts said she would like to put a condition on. A negative three determination with a condition that any debris that enters the drinking water will be removed immediately. Chairman Bouchard said they could ask for hay bales. Member Yeatts thought that would be worse because the hay will blow into the water. If a condition is added it would cover the Commission. Mr. Barron agreed that anything that would enter the lake would be removed.

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

Voted: to issue a negative determination three with a condition that any debris that enters the water will be removed immediately.

Unanimous approval.

5 Harding/39 Cross – NOI (Notice of Intent) – Zenith Consulting Engineers. Jamie Bissonnette was present for discussion. Chairman Bouchard asked if he wanted a continuance. He said he did, but would like to talk to the Board. He explained they had been working with Wildlands Trust and Natural Heritage for a while. There was a meeting about the project on Monday and

Mr. Bissonnette is waiting to hear the results of the meeting. They did do another site walk. If Wildland's Trust is not interested in taking the Conservation Restriction (CR), they have spoken with Natural Heritage and they are looking for the applicant to reach out to the Town and see if the Conservation Commission would be interested in holding a CR. If the Commission is not interested in doing that or can't do that, Natural Heritage is asking for something in writing so that they can move on to a third option such as a Conservation Restriction through a homeowner's association. There was a discussion regarding a Conservation Restriction.

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

Voted: to continue 5 Harding/39 Cross Street until the July 14th meeting at 7pm.

Unanimous approval

7 Charbonneau Ave- RDA - The applicant was not present (Norman Viveiros). Chairman Bouchard gave background on the filing. He said Mr. Viveiros was a member of the homeowner's association. The property owned by the Association includes a beach with a playground. One of the residents has taken it over, installing a dock and having parties there. The residents have asked that the dock be removed. The Association feels that since it wasn't permitted, the Commission should throw him out since he has no Chapter 91 license. The Association would like a denial. Member Yeatts asked what the denial would be for and usually when this comes up it's been a civil matter. Chairman Bouchard agreed it would be a civil matter in terms of ownership but no one has been permitted, the homeowner or the Association, so that would be the denial. Member Yeatts asked what the RDA was for. Chairman Bouchard said it was a request that the dock be removed. They would like the dock removed because it was denied. Member Chamberlain said what they are looking for from the Commission, is a declaration that this is unpermitted work that violates the wetlands regulations and a cease and desist should be put on any further activity. He said it would come down to a civil matter between the person who built the dock and the Association. Member Yeatts thought it could be a matter for DEP (Department of Environmental Protection). She wondered why it wasn't reported to DEP. She asked what the exact wording was on the RDA. Chairman Bouchard read from the filing for the RDA if the area depicted on the map was under the jurisdiction of the Wetland's Protection Act. Chairman Bouchard said it was, so they had jurisdiction. And, whether the work depicted on the plan was under the jurisdiction of the Wetland's Protection Act. It was. Member Yeatts said that none of the positive determinations seemed to fit. There was a brief discussion. Member Knox thought the Commission should send a letter that states docks must be permitted and give the proper information for them to seek the permitting or denying agency. Members Yeatts and Chamberlain agreed that DEP should be copied on the letter. Chairman Bouchard said he would talk to Mr. Viveiros and explain the strategy and if he was agreeable, they would go that route. Chairman Bouchard recalled another filing with similarities but involved the homeowner. On that filing, DEP was adamant they would not give them a Chapter 91 license without hearing from the Commission. Member Yeatts said they could continue the determination and when they file for their Chapter 91 license they will be ready.

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

Voted: to send a letter to the applicant and copy DEP and continue the RDA hearing for 7 Charbonneau until the July 14th meeting.

Unanimous approval.

1 Hickory Lane – Certificate of Compliance - Chairman Bouchard said they are looking for a Certificate of Compliance because they want to put in a pool. He has no issue with the location of the pool, it is almost 300' away from the wetlands. He recommended the Certificate of Compliance be issued.

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

Voted: to issue the Certificate of Compliance for 1 Hickory Lane.

Unanimous approval.

103 Staples Shore Rd - NOI – Prime Engineering – continued

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

Voted: to continue to the July 14th meeting at 7pm.

Unanimous approval.

Meeting minutes –

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

Voted: to continue until the July 14th meeting.

Unanimous approval.

Announcements -

Member Knox announced that he is now the Chairman of the Planning Board and he looks forward to working with Conservation and having an open line of communication. Member Yeatts said she was happy to have open communication with the Planning Board. There was a brief discussion regarding the 43-D committee.

Adjournment -

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

Voted: to adjourn.

Unanimous approval.