

Town of Lakeville  
Conservation Commission  
Tuesday August 11, 2020  
7:00PM – Remote meeting

Members present: Chairman Bob Bouchard, Joseph Chamberlain, Josh Faherty, John LeBlanc, Mark Knox, and Nancy Yeatts. Chairman Bouchard called the meeting to order. This was a remote meeting and recorded by LakeCam.

**119 Hemlock Shore Rd** – NOI – Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. This is an existing single-family cottage on Long Pond. This plan includes the installation of a tight tank for the septic system, and the installation of a new well with water line. They would also like to construct a three-part wall (seawall, a wall mid-property, and one near the foundation). There is an existing building behind the house that will need to be taken down and then rebuilt. They are proposing moving the existing pier to be in line with the center of the existing steps to center the pier better on the property. This will allow the client to remove and install the aluminum pier that is removed at the end of every season and put back every spring. There was a review of a cross-section of the bank and proposed walls to stabilize the bank and allow for use of the front of the property with level areas. The existing pressure treated deck would be removed. The applicant would like to do this project when the water level is low to avoid using a turbidity barrier. If they are able to do that, they will install a silt fence along the edge and contain all of the work. If the water level is higher than 53, then the turbidity curtain will be needed. There are also a few levels of erosion protection as each wall is constructed to protect with run-off. Included on this filing is the access path from the parking area on Hemlock Shore Road. Half of the access path is outside of Conservation jurisdiction, the other is within jurisdiction. The final landscaping on the side of the dwelling would include stabilizing slopes and improve the site overall. Member LeBlanc asked if the applicant had a Chapter 91 license for the pier. Janice Pink (applicant) said they do have one that was obtained many years ago. Member LeBlanc asked if the Board of Health had signed off on the tight tank. Mr. Bissonnette said they have not. Member Chamberlain asked what soil types were there. Mr. Bissonnette said it was glacial till which is why they are going with the h-20 tight tank. Member Knox asked if it was accurate that if they needed to use the turbidity barrier the water level would be at a point that it's into the excavation. Mr. Bissonnette explained the function of the turbidity curtain. The purpose would be, if working in the water, any sedimentation will hit the curtain and settle before clouding the pond. The gap underneath allows for the bridge shiner or fresh water minnow to move beneath and not disturb the habitat. Member Knox asked about the outbuilding that would need to be taken down or moved. Mr. Bissonnette said that to be able to get a machine around the corner and do the excavating down front, two of the contractors that looked at the site said a portion of the building would have to go in order to be able to make the corner with the blocks and do the excavation. Member Knox wanted to know what type of foundation it currently was, and what would they use when they put it back. Mr. Bissonnette said it was a pier style structure and he

thought it was on concrete blocks. Member Knox said it looks like the existing dwelling goes over the property line. Mr. Bissonnette said it was over the property line. Member Yeatts asked about the variances. Mr. Bissonnette said they were all Board of Health variances. He explained that when there is a water line within 10' of a septic tank, it needs to be sleeved. There is also a request for a reduction to a property line from 10' to 4'. Member Yeatts asked if they may have to re-do their Chapter 91 license. Mr. Bissonnette said he was expecting to need to file a waterways license for the seawall, and he thought they would want them to encompass the new pier location. Member Yeatts asked if they would put conditions on that. Mr. Bissonnette said he wasn't sure. Member Yeatts said if they change anything on the license, it would require notification. Mr. Bissonnette responded that if there were any major changes, he thought they would request a letter from Conservation or an amended order. Member Yeatts asked about Natural Heritage and how long they had to respond. The letter to Natural Heritage was postmarked July 28, 2020. Another condition Member Yeatts would suggest is to notify Conservation about the turbidity barrier. There was a review of the silt fencing. Member Knox asked if the contractor would be prepared to switch from silt fence to turbidity curtain in the event of increased water levels. Mr. Bissonnette explained that when the block (first component requiring the turbidity barrier) is installed there will be a large amount of crushed stone put down in the vicinity, once the first row is constructed, there is another level with additional barrier. It will only take a few days to get the first barrier in. He did not feel there would be enough of a water level rise in the two-day time frame needed to install the first barrier wall. Member Faherty asked when the work is scheduled to start. This work is expected to begin next year. Member Yeatts stated it was possible that the water level could be a lot higher then. Mr. Bissonnette said it was, and if that were the case, the applicants would hold off. Their goal is to do the work when the water level is down, however, they have made the provisions required by Natural Heritage, in case the water level is up. Member Chamberlain asked about the machinery to do the work. Mr. Bissonnette said the contractor would use a crane truck to remove some of the vegetation and then an average sized excavator. He also thought a pre-construction meeting on site would make sense. Member Chamberlain thought one of the Commission's request might be to have a floating absorbent boom on site in case of lubricants getting into the water. He wasn't sure how far into the water the machinery would get. Mr. Bissonnette said he didn't think that would be an issue and they hoped they wouldn't need to go into the water at all. Member Yeatts said part of the Standard Conditions was to have the machinery moved outside of the buffer zone at the end of the day when not being used, and to have a kit on-site for clean-up of any oil spillage. Chairman Bouchard asked about the existing well being abandoned. The plan for the current well is to possibly use it for irrigation, but it will not be used for potability. Chairman Bouchard asked about tree removal. Mr. Bissonnette said the plan was to take down the trees between the water and the house. There would be no way to keep those trees and construct the wall.

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

Voted: to close the hearing and issue an Order of Conditions with all the Standard Conditions for during construction, and include any conditions from Natural Heritage, with notification to the agent for: 1) preconstruction meeting 2) siltation barrier review

3) if and when turbidity barrier needs to be installed. Also, pending Board of Health approval and Department of Environmental Protection (DEP) Waterways.

*Discussion: none*

Unanimous approval.

**Southcoast Rail** – RDA. Matt Donovan and Grant Rosario from FDC Engineers, and Clary Coutu from Keolis was present for discussion. There was a presentation for a five-year vegetation management plan. The plan is regulated on federal, state, and municipal levels. There was a discussion regarding herbicide spraying. Member Yeatts asked if there were any conditions on the determination from five years ago. She thought there was a condition of notification when the spraying was going to happen. Mr. Donovan said he wasn't aware of any conditions. He explained that the plan updates are done annually with the yearly operational plan. It provides a window of the dates the applications will be sprayed. The updates are sent by certified mail to the Conservation Commission, the Board of Selectmen, and the Board of Health. Clary Coutu said she would check her files for conditions and would report back to the Commission. Certified packages will be sent out in January or February for review with a list of the yearly plan activities for that year. This RDA will cover the zones for chemical application and the integrated vegetation management plan. The plan is over time, to reduce the application of chemicals along the right-of-way's. A cyclical methodology using both mechanical and chemical application is used. Chairman Bouchard recalled a condition that had been imposed previously, the Commission wanted the name and the license number of the person doing the application. Ms. Coutu said that was included in the yearly operating plan and if that changes the Commission will be given the information. She added that they can only use licensed applicators, and have been using the same one for 20-years. Chairman Bouchard asked if they ever add any other components to the herbicide, like surfactants. Ms. Coutu said yes. She explained that over time there has been a significant resistance in weeds to the same chemicals. One of the things they are doing is, within the sensitive list of chemicals approved by the State, they are alternating the chemicals.

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

Voted: to issue a negative two and five determination.

Unanimous approval.

**47 Nelson Shore Rd** – RDA – Rogers. Mr. Rogers was present for discussion. He would like to add an 18'x14' one-story room on 9 footings on the back of his house. Most of the exterior work is done and a silt fence was installed. Member LeBlanc asked if the addition was on. Mr. Rogers said it was and they were doing interior work now. Member Knox asked if he would be doing much landscaping or patio walkway work. Mr. Rogers would like to eventually add a permeable patio out back, but it was not planned at this point, and they won't be adding a deck. They may do a patio or crushed stone but nothing beyond that. Member LeBlanc asked if the applicant was about 80' from the lake. Mr. Rogers said approximately. Chairman Bouchard said it was exactly 80' so a portion of it was in the buffer zone. He said what they are doing is after the fact but he is satisfied with the work that has been done to date. Chairman

Bouchard also asked if the applicant was putting drains in for the roof run-off. Mr. Rogers said they were going to do one gutter. Everything runs to the far side of the house to the property line. Chairman Bouchard asked if there was a swale or small stream to the left side of the house. Mr. Rogers said there has been nothing man-made, but he has only been there two years. There is drainage coming from the corner property, coming across to where the property line meets, and everything runs off to the adjacent property.

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

Voted: to issue a negative three determination with a condition that if anything else goes on on the water side of the property, the applicant will need to file.

*Discussion: Chairman Bouchard asked the applicant if he understood the motion. Member Knox explained that if the applicant does the patio, he would need to come back to the Chairman/Agent and do the process before he does the work. Chairman Bouchard said this permit is only for the addition. Anything else inside the 100' buffer zone, he would need to come back to the Commission. Member Chamberlain said that the plan sometimes says Nelson Shore and other times says Nelson Shores. These are the things that can be a nightmare down the road. He suggested checking with the Assessors' and see what the legal name of that lot is listed as and go by what the deed, tax bill, and Town has.*

Unanimous approval.

#### **Meeting minutes** – May 26, 2020

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

Voted: to accept the minutes of the meeting on May 26<sup>th</sup>.

Unanimous approval.

#### **Adjournment:** (8:02pm)

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

Voted: to adjourn.

Unanimous approval.