

Town of Lakeville  
Conservation Commission  
Tuesday September 29, 2020  
7:00 pm – Remote meeting

Members present: Chairman Robert Bouchard, Joseph Chamberlain, Mark Knox, John LeBlanc and Nancy Yeatts. This was a remote meeting and recorded by LakeCam.

**2 Edgewater Drive** – Continued – Outback Engineering. Elyse Tripp from Outback Engineering was present for discussion. At the previous meeting, the Commission asked if the impervious area could be reduced from the currently proposed 28.6%. A reduction in impervious area has been made to 24.9%. Ms. Tripp wanted to clarify that what is included in the impervious area are the structures and paved parking areas. An area of the driveway going into the garage has been changed from paved to gravel. The applicant, Mr. Martowska, asked if the Commission would grant approval but give him slight flexibility in the percentage of impervious area. Member Chamberlain said that once they vote on a plan of record, that's it. Member Knox asked if someone would make a motion to make it pending the Zoning Board decision. Member Yeatts said that when they write the Order of Conditions, an as-built is required for a Certificate of Compliance so we will see how far off it went. Mr. Martowska said that it he went over on the patio by a foot, he would take it off somewhere else. But if he ended up 10 square feet over, he doesn't want that to create a problem. Member Yeatts said they were not in the habit of adding on that you can do more or less. An Order of Conditions is given on the plan and if you want a Certificate of Compliance, you come back with an as-built which will show exactly what was done, and if the as-built shows 28%, we will take further action. Member Knox said he didn't think they could grant relief over the 25%, that is up to the Zoning Board of Appeals. If they were to make a motion, subject to the Zoning Board of Appeals hearing for any relief over the lot coverage allowed. But, if they allowed him a few percent, he would agree to that, if it was a half percent over 25% without an issue, but they were already at 28 and they came down to 24.9. A half-percent is reasonable. Mr. Martowska said the concept is real, and that won't change. The abutter, Bill Tribou, said there is a change of 777 square feet from the original diagram, in comparing the two diagrams he could not identify where the changes occurred. Ms. Tripp said they trimmed the edges of the driveway, but its small pieces here and there, trimming down the turn-around areas. Mr. Tribou said the impervious area calculates to 7,983 which calculates out to 25.9% which is over the 25%. Ms. Tripp said she would check with the engineers to get clarification. Mr. Tribou said the topography map was dated 4/29/2019 and the map is dated 2020. He wanted to know if that made a difference that the topography is a year older. Ms. Tripp said not generally. Mr. Tribou said that there has been a change in vegetation since that time. Ms. Tripp responded that the topography is more the slope. They are trying to pick up the larger scale changes, they do not get as detailed for some of these plans. Mr. Tribou said some of the larger trees have been removed. He also asked about the elevation of the lowest point of the driveway turn-around. There is a slope that goes down to his property and they continue to have problems with drainage over to their property. He did not want to have run-off from that. Ms. Tripp said he didn't think it would be that much, but she wasn't as well versed in storm water calculations. Mr. Tribou said that behind the proposed garage there is a tree stump that because of the build-up of the property, there is a 3 ½ foot deep hole by 5' wide and he was afraid of that becoming a run-off situation. Ms. Tripp thought it could

be addressed but she wasn't sure what the applicants would feel comfortable with. Mr. Martowska said the turn-around in the driveway on the old plan was more toward the Tribou's property, when it was reconfigured, it was more parallel to their own house and the lake. With the elevations, it was more likely that they would have water running toward the lake, not the abutting property. As far as the pit near the garage, Mr. Martowska said there was a tree there that they did cut down, it did have a well around it to protect the tree but obviously that will get filled in. There will be some bulldozing going on and reshaping the yard. He would like to flatten his yard as much as possible. Ms. Yeatts said that they have a stamped plan by a surveyor, stamped and dated. She had a problem with the percent being miscalculated. Chairman Bouchard said if they do close the hearing tonight, they could make it pending receipt from Outback of any review of the footage and whether there is any change. Member Yeatts also said another thing that came up was the stormwater calculations. She asked if there was a stormwater part to the filing. Ms. Tripp said no, it's not usually required or needed in this kind of case, but a concern was raised by the abutter. The driveway turn-around was moved a little, but if it's a big concern the grade could be raised a little. Chairman Bouchard said at this point he didn't think a foot would make a whole lot of difference, but if they need to they can change the plan of record. Member Knox asked Ms. Tripp about the impervious reduction, by squeezing down the driveway, and was there anything converted to pervious material? Ms. Tripp said they made the entrance to the garage gravel from paved, and they shrunk the proposed patio a little bit, but they did make that entrance to the garage pervious gravel. Member Knox asked if that was included in the 7,893. Ms. Tripp said no, she did confirm that the gravel driveway is not included in the percentage. Mr. Tribou said Chairman Bouchard had mentioned that there might be some vegetation required with approval of this plan, and if it is, is it required that the vegetation be maintained. Chairman Bouchard said in the Order of Conditions, they will stipulate whether or not there are any areas that remain to be vegetated and over what period of time they have to survive. Member Yeatts said they will need a Certificate of Compliance, and that will require an as-built, when the as-built comes back you won't get a Certificate of Compliance, which will take the Order of Conditions off the deed, until the things are done. If they come back for a Certificate of Compliance and all the vegetation is dead, then you will have to replace it. Member Chamberlain said that is to the advantage of the Martowskas to maintain any growth they have because any growth that dies, they're leaving the soil open to erosion.

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

Voted: to close the hearing, and issue an Order of Conditions with all of the standard conditions plus, any remaining trees to be cut will be marked and the stumps ground with the roots left intact. Also, pending clarification of the percent lot coverage and Zoning Board of Appeals approval.

*Discussion: Mr. Martowska asked about the stump grinding and what that requirement was. He had a stump inside the garage. He assumed that would need to be pulled out rather than ground down even below the slab for the garage. Member LeBlanc said that would have to be removed. Mr. Martowska said that if there was a stump where a foundation area is, like a stairway, it would have to come out and not be ground, but everything else should be ground. Member Chamberlain said that was right.*

Unanimous approval.

**11 Pine Bluff** – simplified Chapter 91 license – Bisio. Chairman Bouchard said that Mr. Bisio has applied for a Chapter 91 license. Member Yeatts had some suggestions to speed up the process on Mr. Bisio's

behalf. Mr. Bisio said he was planning to do a dock about 40' out from the existing retaining wall. There are aluminum stairs going down to the dock, and four roughly 8' sections of dock. The dock will be seasonal and will be taken out. There will be no changes to the redi-rock wall and stairs. Member Knox asked if this was a wheeled dock that you roll out in sections. Mr. Bisio said there is no room to roll the dock out, they are self-leveling and you carry them out and connect them together. Member Knox asked if he would take it out around this time of year. Mr. Bisio said yes. Chairman Bouchard said that Mr. Bisio has filled out the majority of the application and the rest will be filled out by the State. He said it looks like Mr. Bisio has met all the criteria and what remains is to submit the application to the Department of Environmental Protection (DEP). He originally thought they would wait to see if they needed to file a Request for Determination of Applicability (RDA) or not. Member Yeatts' suggestion was that they file the RDA anyway and submit the package all together. Mr. Bisio said he had already submitted his application. Chairman Bouchard said they will wait and see if they will want an RDA submitted. Member Yeatts said it says on the application that after 1984, it should be accompanied by a negative determination of applicability. Chairman Bouchard said the Commission could submit it after-the-fact. Member Knox asked if they could make a motion to issue a negative determination. Member Yeatts said that was her recommendation. Member Chamberlain asked if they could issue a determination if they don't have an official request. Member Yeatts thought they could make a motion that when they receive it, they will issue a negative determination. Chairman Bouchard said if they hear from DEP, they'll act accordingly. He will put the RDA together and if necessary it can be submitted.

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

Voted: to approve the RDA with a negative two determination for the dock at 11 Pine Bluff.  
Unanimous approval.

**Clark Shores Water** - Member Chamberlain said the Order of Conditions SE192-772 which covers the water system installation, is near expiration. They are asking for a three-year renewal for the Order of Conditions. Member Yeatts asked if it was for 1 year or 3. Member Chamberlain explained they could make it whatever they want. The initial plan called for 5-years and the initial Order of Conditions was for 3-years. Chairman Bouchard said they could renew it for 3-years with a review after the first year.

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

Voted: to extend the Order of Conditions SE192-772 for the Clark Shores water system for 3-years with review after the first year of the extension.  
Unanimous approval.

**Robbins Lane** – Member Chamberlain said if you go down Robbins Lane, all the way to the very end where it connects to Beechtree Drive, there is a 10' wide right of way that goes to the water. Some years back they did some cutting of brush to access the property. The next-door neighbor was against anyone using the property (a deeded right-of-way). According to the assessors' the owner of that piece of property is an entity that doesn't exist anymore. Chairman Bouchard said they had previously attempted to contact the owner of the property and it was returned. Member Yeatts asked if they could call this vista pruning that doesn't need any kind of permit? Member Chamberlain said that was what he told them. Something needs to be put in writing so that the person doing the vista pruning doesn't come down with a backhoe. Chairman Bouchard said he would send out a letter to allow vista pruning.

**26 Mill St.** - Member Chamberlain said they received a call a week and a half ago from DEP. The satellite system that they use to notice change picked up an area that was wetland vegetation. There was a lot of poison sumac so the owner got someone to come in with a machine and take it out and take out a lot of the vegetation. They brought in some silty-sandy material to try to stabilize the banks and did some spraying of seed and fertilizer. Member Knox said the choice of sand was a horrible decision and should definitely be removed. Member Chamberlain said he had spoken to the owner. He had suggested that the owner contact an engineer to start the process to fix the problem. There was a brief discussion about the site.

**Meeting minutes** – July 28, 2020

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

Voted: to approve the meeting minutes from July 28, 2020.

Unanimous approval.

**Adjournment** – (7:57pm)

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

Voted: to adjourn.

Motion carries.