

Town of Lakeville
Conservation Commission
December 12, 2023 at 7pm

Members present: Chairman Robert Bouchard, John LeBlanc, Joseph Chamberlain, Nancy Yeatts, Josh Faherty. Members absent: Mark Knox. Chairman Bouchard called the meeting to order at 7pm. LakeCam was present to record.

310 Kenneth Welch Drive - Notice of Intent (SE192-891) - Goddard Consulting - Increase parking and wetland replication. Continued from 11/28/23. Chairman Bouchard said there had been a request to continue, but the applicant said he would have something for the next meeting which is January 9th.

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

Voted: to continue 310 Kenneth Welch Drive until the January 9th 2024 meeting.

Unanimous approval.

9 Cross Street - Notice of Intent (SE192-902) - Zenith Consulting Engineers - new single-family dwelling, septic system, well, grading, lot clearing, utilities, driveway crossing and replication area. Continued from 11/28/23 meeting. Member Yeatts said she had spoken to Nyles Zager from Zenith. The applicant had agreed to the cost of the peer review, so we were waiting for a check to be submitted. The culvert plan was sent to Prime Engineering and reviewed. They found the three pipes were fine and they recommended approval. She said Brandon Faneuf was available between Christmas and New Year's to do the wetland delineation.

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

Voted: to continue 9 Cross Street to January 9th at 7pm.

Unanimous approval.

Golfer's Way, lot #3 - Notice of Intent (SE192-907) - Foresight Engineering - proposed construction of a portion of Golfer's Way with associated grading, drainage structures, and clearing within the buffer zone. Darren Michaelis from Foresight was present for discussion. He explained they were turning the existing golf course entrance into a road. In order to do that, they need to meet storm water management. Hancock Associates designed the infiltration basin and rain garden to help clean out from the roadway. One of the comments from DEP was the setback to the well. There was a radius setback to show that they were not in the Zone 1, they were just inside the Zone 2. All the Board of Health setbacks were met. None of the road construction is in the Zone 1, and only a small portion of the cul de sac and sediment forebay is within the 200-foot.

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

Voted: to close the hearing and issue an Order of Conditions with all the standard conditions for construction.

Unanimous approval.

MassDOT - Extend Order of Conditions (SE192-687) maintenance of drainage systems. Chairman Bouchard said this was routine and recommended approval.

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

Voted: to issue an extension on original Order of Conditions for SE192-687 for an additional three years, to January 7th 2027.

Unanimous approval.

3 Hickory Lane - Abbreviated Notice of Resource Area Delineation - Outback Engineering - confirmation of 728-feet of bordering vegetated wetland and 467-feet of top of bank. Chairman Bouchard read the legal notice into the record. Jeff Youngquist from Outback was present for discussion. Mr. Youngquist explained when they did the houses they had flagged the wetlands. This is basically the same flagging. Member Yeatts asked if they had done an ANRAD previously. Mr. Youngquist said they did when they did the three houses across the street. Chairman Bouchard said he was there today and there's plenty of water and plenty of vegetation. Member Yeatts said this was a historically troubled area. She thought it was a lot of wetland to just approve without having a peer review. Member Faherty asked if it had been determined if that was an intermittent stream. Mr. Youngquist said they had. They reflagged it in 2018. Member Chamberlain said DEP was still asking as to whether it is intermittent or perennial. Supposedly, it was certified five years ago. Member Faherty asked if it was done in an ANRAD. Mr. Youngquist said yes. Member Yeatts asked if it was the same line. Mr. Youngquist said it was. Member LeBlanc said why doesn't DEP know that. Member Faherty said it could be expired. He thought the Commission should made a decision on if it's an intermittent stream because he didn't think the previous determination is still in effect. Member Yeatts said on that corner, we've had a problem washing out stone and fill. Member Faherty said they would need four observations in a 12-month period outside of a drought season. Mr. Youngquist said he could get that information for the Commission. Member Faherty said they could make the determination under an RDA. Chairman Bouchard said an update might be warranted in this case. A review of the intermittent stream, and characterization verification of some of the flags. Member Chamberlain asked when this flagging was done. Mr. Youngquist said Greg Drake did it a couple of weeks ago. Chairman Bouchard said if Greg was available and wanted to review it, he would go out with him, weather permitting, and verify. Member Yeatts said she thought they were wasting time if they want a peer review. She said she would like to see the old ANRAD.

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

Voted: to continue 3 Hickory Lane until the January 9th, 2024 meeting at 7:00.

Unanimous approval.

LeBaron Hills Country Club - Request for Certificate of Compliance (SE192-448) - management of aquatic vegetation and algae in ponds and brook. Member Yeatts said she didn't know if she'd ever seen them do any reports on the management of the aquatics. The original Order of Conditions specified that there was to be a year end report, but there was no reference as to whether or not to continue it after one year. They treated it, and there was no more reoccurrence and they still have a management plan in place for fertilization and contamination. Chairman Bouchard said he was there today and met with the manager. He gave Chairman Bouchard a review of what they're doing. Chairman Bouchard said he was satisfied that what they were doing was more than adequate. Member

Faherty asked if they were still treating. Chairman Bouchard said they were still treating for algae blooms.

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

Voted: to issue a Certificate of Compliance for SE192-448 for LeBaron Hills Country Club.

Discussion: Member Faherty asked if the monitoring was in perpetuity. Member Yeatts said she didn't see that on the original Order of Conditions. If something is to be stated on the Certificate of Compliance, it needs to be added to the Order of Conditions. There was some continued discussion. Member Yeatts didn't think there was anything they could do except start over with the new owners. Member Faherty said the Commission issued an Order of Conditions that had a three-year expiration, with no special conditions stating it should extend more than that. This was first issued in 2006, so in 2009, they should have come back if they were continuing to do this maintenance. Chairman Bouchard said they did not do any more sampling, they did it that one year. Member Faherty said if the new owner wants to do this type of work, they would have to file a new Notice of Intent. But, that doesn't stop them from issuing the certificate now. Member Chamberlain said he would like some reference in our communication back to the law firm that in spite of the fact that they're asking for SE192-44A, that the Commission understands that because of the attached copy of the original, this is what they're asking for. Member Faherty asked if they sent a Form 8A, or just a letter requesting the Certificate of Compliance. Chairman Bouchard said it was just a letter.

Unanimous approval.

Peer Review Proposal - review and possible vote on peer review proposal for 9 Cross Street. Chairman Bouchard said he didn't know if they needed to review. Member Yeatts said the applicant had already agreed to the \$2,750. Member LeBlanc asked if the Commission needed to approve the proposal. Chairman Bouchard said he could sign the proposal. There was some continued discussion.

Meeting Minutes - September 26, 2023.

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

Voted: to approve the minutes of the Conservation Commission meeting of September 26, 2023 as printed.

Unanimous approval.

Adjournment - (7:35pm)

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

Voted: to adjourn.

Unanimous approval.