

Town of Lakeville
Conservation Commission
March 29, 2022 7pm

Members present: Chairman Bob Bouchard, Joseph Chamberlain, Nancy Yeatts, Mark Knox, John LeBlanc, Josh Faherty, and Fred Frodyma. Chairman Bouchard called the meeting to order at 7pm. This was a remote meeting recorded by LakeCam.

2 Morrison Way - RDA - Maksy. Derek Maksy was present for discussion. He is in the process of purchasing a property at 2 Morrison Way. He went before the Zoning Board of Appeals due to the lot size for a special permit. The special permit was approved conditional upon Board of Health and Conservation Commission. This is an existing house that the current owner has added a second floor to. There was a septic installed in 2016 which was permitted and closed out. Mr. Maksy's plan is to put on siding, and finish the roof. Everything else is going to be interior on the house. Member Chamberlain asked what the Zoning Board of Appeals final outcome was. Mr. Maksy replied that it was conditionally approved and he would need to go before Board of Health and Conservation. Board of Health is requiring that the property stay a two-bedroom. Member LeBlanc asked if anything would be done that would disturb the soil. Mr. Maksy said no, the front yard is all grass and he just wanted to finish the inside of the house. He will need to pull permits for electrical, plumbing, and building, since that was never done. He will be doing some siding, but most of that was done. Chairman Bouchard asked about the room on the back of the house. There was a handrail against the door frame, and would that be used in the future for a deck or something. Mr. Maksy said he had no plan to extend the deck, it would stay the way it was. He would like to take out the two sliding doors and put two windows there, that way you can't adapt. Chairman Bouchard said if they were to add a deck or do any construction on that side of the house, it would be in the buffer zone. He asked if there would be any tree cutting or pulling stumps. He said no, but there are a couple of stumps there. He asked if the Commission would allow stump grinding. Chairman Bouchard said they do allow it, it's better than pulling. But if he were to go ahead with that, he should notify the office before he starts. He wouldn't need a hearing, they would make it part of the approval. Member Frodyma asked how much of the lot was paved. Mr. Maksy said none of the lot is paved. Member Knox said just to be clear, nothing is being done outside other than finishing some siding and things that are attached to the building. Mr. Maksy replied that was correct. Member Knox asked if there was anything done that wasn't approved by the Commission before. Mr. Maksy said he really couldn't answer that because he's only been familiar with the property for the last two-months. Member Knox said an RDA really isn't needed for siding, would there be anything else that would require an RDA. Mr. Maksy said there really isn't but to be on the safe side, he thought this would be the best approach. Member Yeatts said she thought the documentation that he isn't impacting the wetland is what he wants. Mr. Maksy agreed. Member Chamberlain added, with the possible exemption for stump grinding at some point. Member Yeatts said that is why you would issue a negative three determination, because you could add that as a condition. Member Knox asked if on the plan that has been provided, all the work has been completed already. Mr. Maksy replied that it has. Chairman Bouchard asked if there was a dock on the beach. Mr. Maksy said there were docks on the

beach, but none for this house. The property that abuts the water 40' back, is all part of the Association. There is currently no dock, and no dock presented at this point and no plans for a walkway.

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

Voted: to close the hearing and issue a negative three determination with two conditions. If the stumps are to be pulled, please notify the Commission. And, anything that goes into the lake will be removed immediately.

Unanimous approval.

53 Highland Rd - Extension of Order of Conditions - Chamberlain. Member Chamberlain recused himself. He said that the extension is for the Order of Conditions for a proposed house he is going to build.

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

Voted: to approve the request for an extension permit for 52 Highland Rd, SE192-820.

Six in favor, one abstains (Chamberlain).

Meeting Minutes -

- January 11, 2022

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

Voted: to approve the January 11, 2022 minutes of the Conservation Commission as drafted.

Unanimous approval.

- January 25, 2022

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

Voted: to accept the minutes from January 25, 2022.

Four in favor, three abstain (Yeatts, Faherty, Frodyma)

- January 27, 2022

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

Voted: to accept the minutes from January 27, 2022.

Four in favor, three abstain (Knox, LeBlanc, Yeatts)

Discussion with Town Planner - Mark Resnick (Town Planner) was present for a discussion on the Open Space and Residential Development bylaw that was submitted for spring town meeting. The Open Space and Residential Development (OSRD) bylaw is a cluster bylaw. This allows a developer to ask for the same number of lots, but smaller lots so they build less roads. In exchange, land is preserved whether it's open space, park or agricultural land. This would be by special permit from the Planning Board. There would be a pre-application meeting to inform the Board to review the concept. The dimensional and design requirements say there can't be more lots than under a preliminary plan. If there can only be ten lots under a preliminary plan, there can only be ten lots with an OSRD. The bylaw would allow lots to be reduced to as small as 30,000sf. A 30,000sf lot would allow for construction of a three-bedroom septic design. If the developer wanted to build larger homes, it would require 40,000sf for a four-bedroom

septic, or require a septic calculation for the entire subdivision under Title 5 rules. The setback requirements and frontage setbacks are similar, although closer setbacks to the street would be allowed and the frontage would be reduced from 175 to 100'. The Board can allow 20% of the lots to have reduced frontages to as little as 50' to allow some flexibility in design. At least 50% of the land area needs to be dedicated to open space. It can be reduced to 40% depending on the characteristics of the parcel. Detention and retention basins can be located in the open space, but not counted toward the minimum size. Open space can be in more than one parcel and in different shapes. The open space would be open to the general public, not just the residents of the subdivision. Ownership of the open space can go to the Conservation Commission, the Select Board and accept it for a park, or conveyed to a non-profit organization, like a land trust. The Board was concerned with the open space being owned by a homeowner's association. They were concerned it could be sold off, attempt to develop it, or something that would benefit the association and not the general public. That was a large concern and would not be allowed under this bylaw. The application process after the initial consult is that they submit a regular preliminary subdivision plan along with a concept plan for the OSRD. Both plans get reviewed, with the key part of reviewing the preliminary subdivision plan, to ensure that all of the lots on the preliminary plan could be built. That sets the baseline for the number of house lots. The Board would review the concept and if approved, would move on to the next step which is the special permit application for the OSRD and definitive subdivision plan, which would get filed next. That is where the drainage calculations and the final design of roadways, open space, or other construction requirements would be shown on the plan. Covenants would be reviewed along with anything else that would be reviewed for a regular subdivision. The Board would then make a decision and incorporate any comments, require a performance guarantee, similar to any other subdivision. Member Frodyma asked about the number of parcels that could be designated open space, if it should be a limited number of parcels. Mr. Resnick said the bylaw allows some flexibility if there's some unique characteristics of the property. Member Chamberlain asked if the development could be any size. Mr. Resnick said there is no minimum or maximum. Member Chamberlain said one of the problems he sees developing with this is how that open land is used, and who determines how it's used. Would there be any kind of suggested regulations or anything that can limit what can be done. Mr. Resnick said motorized vehicles would not be allowed in the open space land as part of the approval by the Planning Board. Once acquired by the Board, other regulations can be set. Chairman Bouchard said if it's open to the general public, there will be difficulty monitoring and maintaining. Who will set this up and be the enforcement agency? Mr. Resnick said if it's adjacent to a home, people will adopt the open space, it's part of their neighborhood and they will monitor it. If there's a problem, they would inform the Town. The Commission has the authority to fine people under this statute. Member Knox said the Conservation Commission would not be the custodian. During the permitting process, there would be communication between Open Space, Highway Department, and Conservation to set up a mechanism so if it was adopted and permitted, the Highway Department would take it under their purview to clean up any trash or police those things. It would just be paperwork for the Conservation Commission to adopt it with a conservation restriction to protect the open space. Member Yeatts asked when the public hearing on this would be. Mr. Resnick said the public hearing will be on April 28th. Member Faherty asked what the driving factor would be for developers to want to do this. He believed it would be cheaper since you wouldn't have to clear as much land. But, four-bedroom houses are worth more than three-bedroom houses. Mr. Resnick said different developers have different house styles that they build. The savings in road construction, engineering, and site construction is quite significant. Not every developer will go down this path, particularly those builders that build the very high-end homes. Chairman Bouchard said on page 3, item 2, there were two things that concerned him. One is storm water management on open space, the other is active recreation. Both of those look like they could be pitfalls. Member Frodyma asked if they would need to come before the Conservation Commission for approval of what they were going to do with it. Mr. Resnick said if it's dedicated space

for park land, that would be submitted to the Selectmen for their acceptance as a park. In subdivisions over 25 house lots, the Planning Board could require a park to be constructed of some kind. Once you increase the number of people, the need for active recreation increases. It's an option, if open space land is of unique natural features or a wild life habitat, we wouldn't require the developer to knock down and level the area to build a field. It's all site specific, it just gives the option for it to be a park. Member Yeatts asked about the detention and retention basins. Mr. Resnick said they would be subtracted out of the total land area prior to calculations. If you have 10-acres and the drainage area basin is half an acre, you only have 9 ½ acres to calculate the open space land. This would be upland area. Member Knox said the lot size being proposed is the same lot size that the town accepted back in the 70's. Neighborhoods like Highland Park or Parkhurst, this would be the exact same lot size as those neighborhoods. Member Knox said in this, the Conservation Commission could be the custodian of these on paper. They are not looking to do something without the input of the Open Space Committee or the Conservation Commission, or the Board of Selectmen if it's going to be a park. Member Faherty asked, if the town designates who would be in charge of the open spaces and they could be designated as a park, would the Parks Department then oversee it, or would it be the Select Board. If it was the Parks Department is there a possibility that these open spaces could become another Ted Williams or John Paun Park or something like what we have in town already. Mr. Resnick said if it is deeded to the Select Board instead of to the Commission, they could vote to construct a soccer field and expand the parking. Member Knox said the Parks Department wouldn't really be the custodian because they really don't have a budget to do that. As referenced before, it would be the Highway Department that would be the custodian of those. Mr. Resnick said the Highway Department would do all the maintenance, and the Parks Department manages the facilities. Member Yeatts said her huge concern is the Conservation Commission can't take care of what they have, and they only oversee one property, the Vigers property. We don't have the ability or capacity. There was continued discussion.

Adjournment- (7:56pm)

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

Voted: to adjourn.

Unanimous approval.