

Town of Lakeville  
Conservation Commission  
May 3, 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.

**121 Hemlock Shore Rd.** - Certificate of Compliance - Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. The applicant originally filed a Notice of Intent for the installation of a tight tank in the buffer zone to Long Pond and some trenching and tree removal. Instead of loam and grass seed for stabilization, they ended up putting in crushed stone. The site has stabilized. They looked for signs of erosion or issues, and they couldn't find any.  
*(Chairman Bouchard dropped off the call and Member Chamberlain took over the meeting)*  
Member Yeatts asked about the site. Mr. Bissonnette said the majority of the work was done over 50' from the pond itself and definitely before the steep drop off down to the water. The next-door neighbor will be putting in a sea wall that has been permitted with the Commission. They will be getting started on that this summer.

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

Voted: to approve the Certificate of Compliance for SE192-776 which is 121 Hemlock Shores Rd.

*Discussion: Chairman Bouchard was back on the call and Member Knox asked if as Agent of the Board, if he would recommend approval. Chairman Bouchard said he did.*

Unanimous approval.

**Discussion on Open Space Zoning** - Member Yeatts asked Member Knox if anything passed at Town Meeting would apply to projects already in the line. Member Knox said absolutely not. He said he would be happy to answer any questions. Member Yeatts said her first thing was the lot size. The lot size is 30,000sf or 0.689 acres. Who picked 30,000sf. Member Knox said it was the Planning Board and Town Planner who helped to write that bylaw. Two neighborhoods that exist already as examples are Highland Park and Parkhurst. They are both 30 and 40,000sf lots. It doesn't affect property values in a negative light and it would still comply with the bylaw. If you had a 30,000sf lot, that would be limited to a three-bedroom home. A 40,000sf lot would be limited to a four-bedroom house. Member LeBlanc said it's a non-issue for him because you still have to have the land equal to what you would have had to have for a subdivision. Member Knox said if a developer came in with 50-acres that he wanted to develop into 38 house lots. If he could prove that he could do 38 house lots that were 1.6 acres (70,000sf each), He could come back and say he'd like the same 38 house lots on 25 acres, minimizing the house lot size between 30 and 40,000sf. He could give the town 25 acres of open space. Member Yeatts said her next thing is the lot coverage of 40%. We're going from lot coverage from 25% to 40%. Member Knox said the idea behind that is generally they were taking a similar sized three or four bedroom house with a driveway, maybe a swimming pool, and a patio. And the coverage, because you're diminishing the lot size by half, they're allowing a little bit more percentage of lot coverage. The lot coverage on 50-acres would be less than if it was conventionally developed by 10%. Member Yeatts said on 20% of them, you can reduce the frontage to 50'. Member Knox said that was because the Town Planner had overseen a few developments in Foxboro. He said we didn't want 20,000sf lots or too much short frontage. They understood to make this work, if a developer had bends in the road, and he could

still get a 30 or 40,000sf lot with reduced frontage on a corner, that they would allow it. That's somewhat subjective, it's not a guarantee by right. They would basically have to prove that to the Planning Board, that the reason is they're on an outside corner and could still produce a 40,000sf lot with maybe half the frontage. Member Yeatts said, so now you can reduce the 50% to 40% if it's exceptional value. You're saying 50% would have to be the open space, but if it's of exceptional value, you can reduce it to 40%. Her question is, if it's of exceptional value, why would you want to reduce it? Member LeBlanc said from a developer's standpoint, it's a lot less infrastructure cost if you can put the houses close together. Less road. Member Yeatts said she was looking at it from a conservation standpoint, not a developer. She thought that's how they should be looking at it, from the Conservation Commission. Member Knox said what she was saying is you could reduce the open space to 40%. That would be somewhat subjective to the Planning Board and the special permit to decide if the development is worth it, to give a little bit more license to the developer. To accept the 40% open space because what you're getting in open space is very good, however, your development is also beneficial to the town. Member LeBlanc said that seemed subjective and how is that quantified. Is it by value of the property? Member Knox said he thought it was just subjective to give a little bit of leeway either way. To be able to say yes or no. Member Chamberlain said the end result still is you're not going to have, on that 50-acre piece of land, any more houses than you would normally have. Member Knox stated that was correct. Member LeBlanc added that you would have a lot more open space than you would ordinarily have. Member Chamberlain asked if there was anything in the bylaw that said all that open space has to be contiguous. Member Knox said it doesn't necessarily have to be. Member LeBlanc said from a developer standpoint, it makes sense to cluster the homes and have the open space contiguous. As Chairman of the Planning Board, Member Knox said he agreed that the open space should be as contiguous as possible and not broken up. Member Frodyma asked if there would be any control over that. Member Knox answered yes. Because it's a special permit, the Planning Board would have authority over that. Member LeBlanc asked who controls the open space after the fact, when these houses are all sold. Member Knox said it would either go into a Conservation Restriction or the town could adopt it for a park. The other option, a homeowner's association, was taken off the table. There were strong feelings that if it went into a homeowner's association that it could down the road, be broken and that property could be developed into more house lots, and the town would lose the open space. Member Yeatts agreed with Member LeBlanc that Conservation Restrictions weren't that easy to set up. There was continued discussion about the set-up options for the open space. Member Yeatts felt that homeowner's associations shouldn't be taken off the table. Member Knox said one of the former Planning Board members felt strongly about homeowner's associations not being an option. Member LeBlanc said there is a legal way for homeowner's associations to be dissolved. It would need to be voted on by the ownership and the majority would have to agree. Member Chamberlain asked if the homeowner's vote to dissolve the association, the special permit issued by the town should still hold precedence. Member LeBlanc added that if the homeowner's association maintains it, they could restrict it to homeowners. Member Yeatts said open space doesn't necessarily need to be open to the public. Especially if you're talking about exceptional value. Member LeBlanc wanted to know what was meant by "exceptional value". Who determines it, how is it determined, and what makes one property more valuable than another as far as open space. Member Knox said that right now the way this is written, that a homeowner's association isn't on the table and a conservation restriction is hard to do, that we don't agree to pass this. He would rather see them agree to pass this and amend it with a future bylaw change to re-add, or on town meeting floor make a motion to re-add in the homeowner's association language. Member Frodyma asked if the homeowner's association would have to submit a covenant to the Planning Board, what they were going to do with the property. Member Knox said the Planning Board will tell them what they're going to do with it, but it's up to a covenant, they're only good for 30-years and then they need to be reinstated. Member Yeatts pointed out that it states that

public access included paths and parking areas, and who's paying for this? Member Knox stated that through the process of the developer coming in to talk with the Planning Board, proposing open space residential development, all that information would be distributed to the Boards. If the Planning Board felt that the open space was suitable as a park, they would propose that to the Select Board to adopt it. If Conservation thought it was a vital habitat and wanted a conservation restriction, that's what the Planning Board would listen to. If it was just suitable for walking trails and it's really not big enough to be parks, maybe that's where the homeowner's association would come into play, if that was put back on the table. There was continued discussion regarding how to decide values on open space and funding for maintenance. Member Yeatts thought if the developer paid for the conservation restriction and there was an annuity or whatever, the Commission could afford to oversee it. She is concerned about Conservation taking all this land and not being able to afford to oversee it. Member Knox thought that could be something covered under the special permit process. Member Chamberlain asked about liability. If a Board has control over a particular piece of property. Member Yeatts answered that it would depend on ownership. We are insured for all our parks. Member Knox asked If a conservation restriction was funded by the developer and all the Commission had to do was adopt it, why wouldn't they. Member Yeatts said that wasn't how the bylaw was reading or how it's set up. Member Knox thought that could be worked out through the special permit. He was under the impression that a lot of towns adopt land as conservation land, but Lakeville doesn't seem to want to do that. Maybe there's significant value to some and insignificant value to others, but to preserve the open space, it seems like we have to figure out a way. Member Yeatts said it also depends on what the open space is. She isn't against open space, she just wants to make sure that if we do this, it's done right. She didn't think there's been enough time to iron out everything. She said that under 7.10.8, it mentions wetlands. She said that the Commission usually requests an ORAD. Member Knox said that in the hypothetical 50 acres he gave, the wetlands wouldn't count, they're not developable. Member Yeatts thought it would help if it said "approved wetlands". Chairman Bouchard said that usually the first thing that happens is the developer comes in and asks where the wetlands are. They go back and identify them, and the Commission will tell them if they agree. They would file an ANRAD and that would all be part of the normal subdivision process. Member Knox said they would have to do a full subdivision plan for all of the land to be developed on 1.66 acre lots. That first plan would show the wetland implications, just to prove that he could put in 'x' amount of house lots. Then he would come back with his open space plan with the reduced lot coverage. The onus is on him to prove what's developable in the first place with the wetland implications as part of the first plan. Member Chamberlain asked what percentage of a smaller sized lot would need to be upland. Member Knox replied that the wetlands don't count toward the total acreage. Member Chamberlain asked if the Town Planner had shown the Planning Board a copy of the Foxboro bylaw. He asked if our proposal is in sync with what's been working in Foxboro. Member Knox said we were a little more stringent with what we did. They allowed 50' frontage everywhere, we only allowed it on 20% of the lots. They increased the frontage close to 90' to mirror more rectangular lots. They also went down to 20,000sf lots, since Lakeville doesn't have public sewer they didn't want to go that low because you need enough room for wells and sewer. There is a waiver that if public water was provided, that they could get a little bit of leniency on the lot size.

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

Voted: to adjourn.

Unanimous approval.