

TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp
received & posted:

48-hr notice effective
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009). Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	<u>Conservation Commission</u>
Date & Time of Meeting:	<u>November 22, 2022 @ 7:00pm</u>
Location of Meeting:	<u>Lakeville Police Station</u> <u>323 Bedford St. Lakeville, MA</u>
Clerk/Board Member posting notice:	<u>Lori Canedy</u>

Cancelled/Postponed to: _____ (circle one)

Clerk/Board Member Cancelling/Postponing: _____

A G E N D A

1. Staples Shore Rd. - Notice of Intent, removal of trees and brush within 20-feet of Assawompset Pond Dam. - Tighe & Bond
2. 348-350 Bedford St. - Request for Determination of Applicability, convert former bank into a brewpub. - Outback Engineering
3. 3 Precinct St. - Notice of Intent, septic system repair - Zenith
4. 22 Montgomery St. - Request for Certificate of Compliance, SE192-767, Zenith
5. 29 & 33 Riverside Drive - Request for Certificate of Compliance, SE192-805, Zenith
6. Cottage Lane Right of Way - RDA - Boutilier - build wooden deck at the end of right of way.
7. Meeting minutes - 8/23/22, 9/13/22, and 9/27/22

NEW BUSINESS:
OLD BUSINESS
APPROVAL OF MINUTES
CORRESPONDENCE
ANNOUNCEMENTS

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Conservation Commission arise after the posting of this agenda, they may be addressed at this meeting.

TRANSMITTAL

Tighe&Bond

Project No.: T0314-054
Date: November 3, 2022

Re: Notice of Intent Submittal

To: Robert Bouchard, Conservation Agent
Lakeville Conservation Commission
346 Bedford Street
Lakeville, MA 02347

RECEIVED

NOV 7 2022

Copy:

Conservation Commission

FOR SIGNATURE FOR FILE AS REQUESTED FOR REVIEW PLEASE REPLY

No. COPIES	DESCRIPTION
7	NOI Submittals
4	Set of 24" x 36" Drawings
7	Sets of 11 x 17 Drawings (Appendix B)
1	Electronic Submittal Receipt (MassDEP SERO)
1	Copy of MESA Proof of Mailing
1	Site Access Consent Form

Agent Bouchard and Town of Lakeville Conservation Commission:

Enclosed, please find a Notice of Intent submission to the Lakeville Conservation Commission, in accordance with the Commission's NOI submittal policy. If you have any questions or require any further information, I can be reached by phone at (518) 466-4538 or by email at pbackhaus@tighebond.com.

Sincerely,
Tighe & Bond, Inc.



Peter J. Backhaus, PhD, WPIT
Project Environmental Scientist



Peter Backhaus

From: SERO_NOI (DEP) <sero_noi@state.ma.us>
Sent: Thursday, November 3, 2022 11:31 AM
To: Peter Backhaus
Subject: RE: LAKEVILLE - NOI - STAPLES SHORE ROAD - CITY OF TAUNTON WATER DIVISION

[Caution - External Sender]

Thank you for using the SERO_NOI mailbox. Please be advised that this mailbox is primarily used for delivery of automated File Number Notification letters. If your e-mail requires a response, it may take several days for it to be delivered to the appropriate Wetlands' Staff person. If you require a more immediate response from that individual, please contact them directly by telephone or e-mail.

RECEIVED

NOV 7 - 2022

Conservation Commission

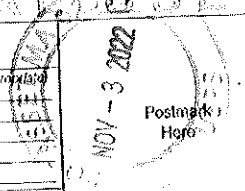
7020 3160 0002 1109 9409

U.S. Postal Service™ 29-0314-054-01-03
CERTIFIED MAIL® RECEIPT
Domestic Mail Only TAUNTON NO1

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

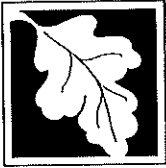


Postage

Natural Heritage and Endangered
Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

PS Form 3800, April 2015 (PSN) 7530-02-000-007 See Reverse for Instructions

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NOV 7 - 2022
Conservation Commission



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

RECEIVED

NOV 7 - 2022

Conservation Commission

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

Staples Shore Road Lakeville
 a. Street Address b. City/Town
 N/A N/A
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Michael Arruda
 a. First Name b. Last Name
 City of Taunton Water Division
 c. Organization
 90 Ingell Street
 d. Mailing Address
 Taunton MA 02780
 e. City/Town f. State g. Zip Code
 (508) 821-1431 marruda@taunton-ma.gov
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Lakeville Conservation Commission
 a. First Name b. Last Name
 c. Organization
 346 Bedford Street
 d. Mailing Address
 Lakeville MA 02347
 e. City/Town f. State g. Zip Code
 (508) 946-8823 rbouchard@lakevillema.org
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. *Please see instructions before filling out worksheet.*

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
(1c) Control Vegetation	1	\$110.00	Exempt

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$0.00
State share of filing Fee:	\$0.00
City/Town share of filling Fee:	\$0.00
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

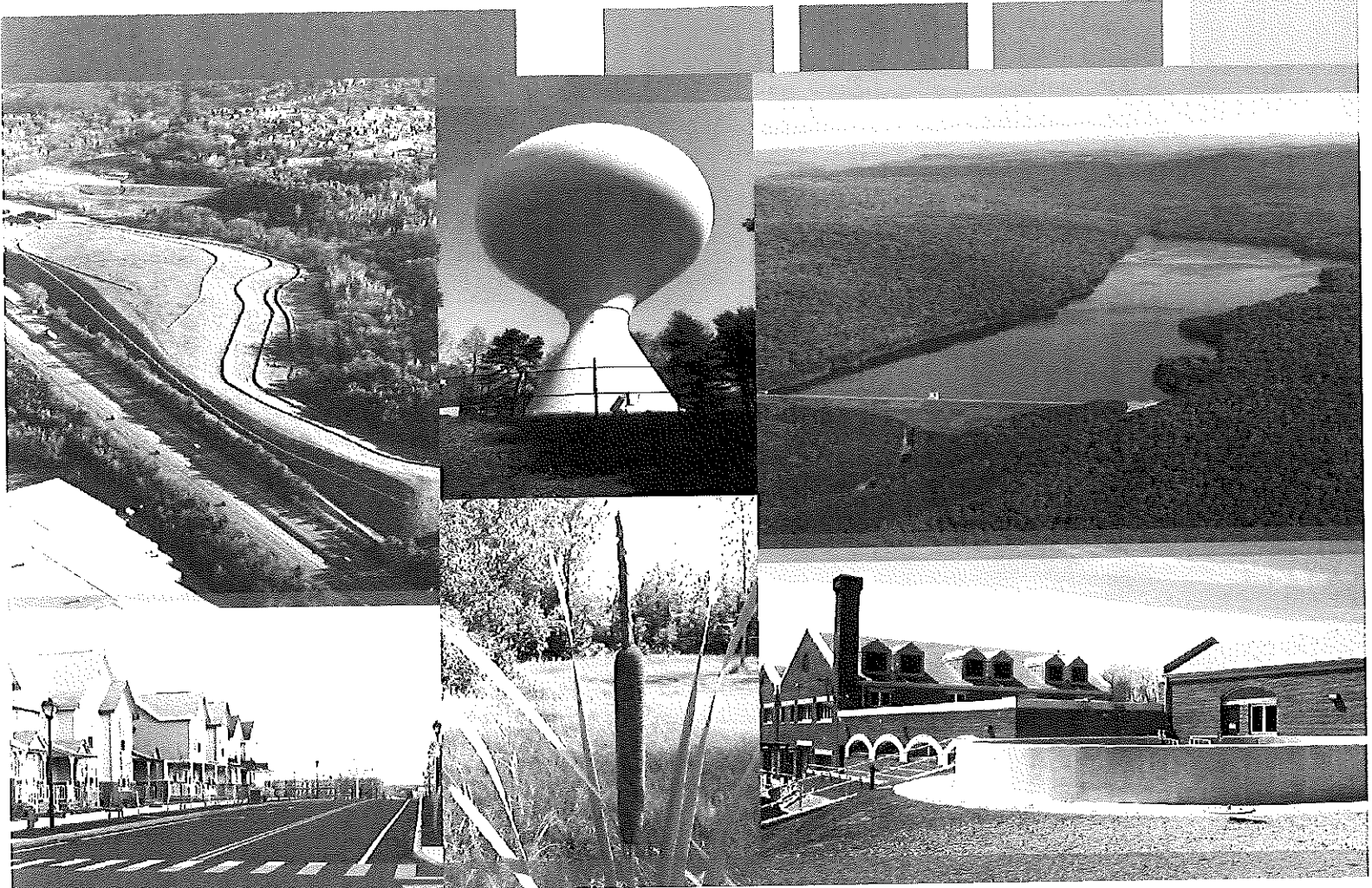
C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Assawompset Pond Dam Tree Removal Project
Lakeville, Massachusetts

NOTICE OF INTENT

Prepared for:
City of Taunton, Massachusetts

November 2022

Tighe&Bond

T-0314-054
November 3, 2022

Mr. Robert Bouchard, Conservation Agent
Lakeville Conservation Commission
346 Bedford Street
Lakeville, MA 02347

Re: **Notice of Intent – Massachusetts Wetlands Protection Act
Assawompset Pond Dam Tree Removal Maintenance**

Dear Agent Bouchard and Members of the Commission:

On Behalf of the City of Taunton Water Division, Tighe & Bond is submitting this Notice of Intent (NOI) under the Massachusetts Wetlands Protection Act (MAWPA; M.G.L. c. 131 § 40) for the proposed Assawompset Pond Dam Tree Removal Project. This submittal describes activities necessary for the removal of trees and brush on the embankment, abutments, and within 20 feet of the Assawompset Pond Dam. This vegetation removal is being undertaken to address deficiencies described in a 2021 Phase I Inspection/Evaluation Report, where the growth of trees and brush on these areas of the dam and adjacent area were a primary reason for the dam's Poor condition rating, per the rating guidelines of the Massachusetts Department of Conservation and Recreation Office of Dam Safety.

Enclosed, please find a completed application for your review, as well as the project narrative, figures, plans and other required materials. Thank you for your review of this NOI, and we look forward to discussing this project with the Lakeville Conservation Commission at their next scheduled meeting on November 22, 2022. Should you have any questions or require additional information, please contact Ryan Hayes at (508) 493-5543 / rhayes@tighebond.com or Peter Backhaus at (518) 466-4538 / pbackhaus@tighebond.com.

Very truly yours,

TIGHE & BOND, INC.



Ryan Hayes, PE
Project Manager



Peter Backhaus, PhD, WPIT
Project Environmental Scientist

Copy: MassDEP (SERO) Division of Wetlands and Waterways
MassWildlife, Natural Heritage and Endangered Species Program
Michael Arruda, Water Superintendent, City of Taunton Water Division

WPA Form 3 – Notice of Intent

Additional Property Owner List

NOI Wetland Fee Transmittal Form

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 - List of Abutters
 - Abutter Notification Letter
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- F Wetland Delineation Forms

J:\T\10314 - Taunton Brownfields\Taunton On-Call\Task Order No. 54 - (2022-6 Assawompset Dam Tree Removal)\Permitting\NO\Lakeville\DRAFT\04 - Narrative.docx



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Lakeville

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

Staples Shore Road
a. Street Address
Lakeville
b. City/Town
02347
c. Zip Code
Latitude and Longitude:
41.85248
d. Latitude
-70.92032
e. Longitude
064
f. Assessors Map/Plat Number
001-006 / 001-007
g. Parcel /Lot Number

2. Applicant:

Michael
a. First Name
Arruda
b. Last Name
City of Taunton Water Division
c. Organization
90 Ingell Street
d. Street Address
Taunton
e. City/Town
MA
f. State
02780
g. Zip Code
(508) 821-1431
h. Phone Number
marruda@taunton-ma.gov
i. Fax Number
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Lakeville Conservation Commission
a. First Name
Lakeville Conservation Commission
b. Last Name
c. Organization
346 Bedford Street
d. Street Address
Lakeville
e. City/Town
MA
f. State
02347
g. Zip Code
(508) 946-8823
h. Phone Number
rbouchard@lakevillema.org
i. Fax Number
j. Email address

4. Representative (if any):

Ryan
a. First Name
Hayes
b. Last Name
Tighe & Bond, Inc.
c. Company
300 West Exchange Street
d. Street Address
Providence
e. City/Town
RI
f. State
02903
g. Zip Code
(508) 493-5543
h. Phone Number
RHayes@tighebond.com
i. Fax Number
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

N/A
a. Total Fee Paid
N/A
b. State Fee Paid
N/A
c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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City/Town

A. General Information (continued)

6. General Project Description:

The proposed project consists of the removal of trees and brush on the embankment, abutments, and within 20 feet of the Assawompset Pond Dam to address safety deficiencies associated with the dam's Poor condition rating. Please refer to the attached narrative and for additional details.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

310 CMR 10.53(3)(i)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Plymouth

a. County

4103

c. Book

N/A

b. Certificate # (if registered land)

362

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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Lakeville

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	908 1. linear feet	908 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	23,376 1. square feet	23,376 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	63,987 1. square feet 0 3. cubic feet of flood storage lost	69,978 2. square feet 0 4. cubic feet replaced

e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Nemasket River (inland) 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 15,354
square feet

4. Proposed alteration of the Riverfront Area:

15,354 a. total square feet 7,326 b. square feet within 100 ft. 8,028 c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.

Provided by MassDEP:



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number _____

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Lakeville
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

Provided by MassDEP:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number _____
Document Transaction Number _____
Lakeville
City/Town

C. Other Applicable Standards and Requirements

This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

August 2021
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	<u>3% / 0.82 ac</u> percentage/acreage
(b) outside Resource Area	<u>2% / 0.58 ac</u> percentage/acreage

- 2. Assessor's Map or right-of-way plan of site
- 2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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Lakeville

City/Town

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Provided by MassDEP:



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number _____
 Document Transaction Number _____
 Lakeville
 City/Town _____

D. Additional Information (cont'd)

3. Identify the method for BWV and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Assawompset Pond Dam Tree Cutting
 a. Plan Title
Tighe & Bond
 b. Prepared By
October 2022
 d. Final Revision Date

Ryan H. Hayes, PE
 c. Signed and Stamped by
1" = 50'
 e. Scale

_____ g. Date

f. Additional Plan or Document Title

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number _____ 3. Check date _____
 4. State Check Number _____ 5. Check date _____
 6. Payor name on check: First Name _____ 7. Payor name on check: Last Name _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Lakeville
City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Signature]
1. Signature of Applicant

10/24/22
2. Date

3. Signature of Property Owner (if different)

4. Date
11/03/2022

[Signature]
5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

**Assawompset Pond Dam Tree Removal Project
Additional Property Owner Information – WPA Form 3**

TO: Town of Lakeville Conservation Commission
FROM: Tighe & Bond
DATE: October 24, 2022

The proposed project site is partially located on the following property not listed on the WPA Form 3 – Notice of Intent, which is listed here in accordance with Section D, Checkbox 5 of the form. This parcel is owned by the applicant.

Parcel: 064-001-007
Owner: City of Taunton Water Division
Contact Name: Michael Arruda
Street Address: 90 Ingell Street, Taunton, MA 02780
Phone Number: (508) 821-1431
Email Address: marruda@taunton-ma.gov



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

Staples Shore Road _____ Lakeville
 a. Street Address b. City/Town
 N/A _____ N/A
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Michael _____ Arruda
 a. First Name b. Last Name
 City of Taunton Water Division _____
 c. Organization
 90 Ingell Street _____
 d. Mailing Address
 Taunton _____ MA _____ 02780
 e. City/Town f. State g. Zip Code
 (508) 821-1431 _____ marruda@taunton-ma.gov
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

_____ b. Last Name
 a. First Name
 Lakeville Conservation Commission _____
 c. Organization
 346 Bedford Street _____
 d. Mailing Address
 Lakeville _____ MA _____ 02347
 e. City/Town f. State g. Zip Code
 (508) 946-8823 _____ rbouchard@lakevillema.org
 h. Phone Number i. Fax Number j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
(1c) Control Vegetation	1	\$110.00	Exempt

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$0.00
State share of filing Fee:	\$0.00
City/Town share of filing Fee:	\$0.00

a. Total Fee from Step 5
 b. 1/2 Total Fee less \$12.50
 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Section 1 Introduction

1.1 Project Background and Purpose

This Notice of Intent (NOI) is being submitted on behalf of the City of Taunton for activities associated with tree and brush removal maintenance of the Assawompset Pond Dam in Lakeville, Massachusetts and Middleborough, Massachusetts. This earthfill embankment dam impounds Assawompset Pond for water supply purposes and the dam is owned and operated by the Taunton Water Division.

The applicant proposes this maintenance to address deficiencies found in a 2021 Phase I Inspection/Evaluation Report. The dam was found to be in Poor condition based on current Massachusetts Department of Conservation and Recreation (MassDCR) Office of Dam Safety's (ODS) rating guidelines. Brush and trees have grown along the upstream and downstream slopes of the dam and the presence of this vegetation is a primary reason for the dam's Poor condition rating. Removal of vegetation on the dam's embankment, abutments, and within 20 feet of the dam will improve the condition of the dam in accordance with the MassDCR ODS Policy on Trees on Dams.

Section 2

Existing Environment

This section provides a site description and wetland characterization for the Project Site and surrounding area. Land use in the general vicinity of the Project Site was determined through direct observations made during site visits in August 2022 and a review of data available through the Massachusetts Geographic Information System (MassGIS).

2.1 Project Site

The Project Site is located along the Assawompset Pond Dam on the northern shore of Assawompset Pond. The dam is an approximately 2,800-foot long, earthfill dam that impounds Assawompset Pond for water supply purposes, of which approximately 820 feet of the earthfill embankment and half of the dam's concrete spillway are located within the Town of Lakeville, Massachusetts. In accordance with MassDCR classification procedures, under Commonwealth of Massachusetts 302 CMR 10.00 Dam Safety (revised February 10, 2018), the dam is classified as a Large size, Low (Class III) hazard potential dam.

The southern, upstream side of the dam is located within a 1-acre parcel owned by the City of Taunton (Parcel ID: 064-001-007) and the northern, downstream side of the dam is located on a 28-acre parcel owned by the Lakeville Conservation Commission (Parcel ID: 064-001-006). The southern side of the dam is adjacent to Assawompset Pond, with a sandy beach exposed between the dam and water line during low water conditions. The northern side of the dam is bordered by shrub swamp. A concrete pillar spillway is located on the east side of the Project Site, draining Assawompset Pond into the Nemasket River. To the west of the Project Site is low density housing along Staples Shore Road.

The project location is shown on the USGS Site Location Map (Figure 1) provided in Appendix A. The site and surrounding area also shown on the Massachusetts Department of Environmental Protection (MassDEP) Priority Resources Map (Figure 2) and Site Plan (Figure 3) in Appendix A. Photographs of the Project Site and surrounding area are provided in Appendix C.

2.2 Methodology of Resource Area Investigations

Tighe & Bond conducted wetland resource area investigations within the limits of the proposed Project Area and area immediately surrounding the Assawompset Pond Dam on August 9, 2022. Wetland resource areas were named based on the wetland system number alphabetical letter in the order in which they were observed (i.e., "1A-1" refers to the first resource area delineated within wetland system 1).

Wetland resource areas were delineated in accordance with state and federal guidelines, including the Massachusetts Wetlands Protection Act (MAWPA M.G.L. c. 131 sec. 40) and associated Wetlands Protection regulations (310 CMR 10), and the United States Army Corps of Engineers *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (Version 2.0, January 2012).

Section 2 Existing Environment

2.3 Summary of Jurisdictional Wetland Resource Areas

The following wetland resource areas and areas subject to protection have been identified within the Project Site and are subject to jurisdiction under the MAWPA and its implementing regulations:

- Inland Bank
- Bordering Vegetated Wetland (BVW)
- Land Under Water Bodies and Waterways (LUW)
- Bordering Land Subject to Flooding (BLSF)
- Riverfront Area

Descriptions of these resource areas are provided in the following sections and representative photographs are included in Appendix C. A summary of resource areas by flag series is presented in Table 2-1.

TABLE 2-1
Summary of Resource Areas by Flag Series

Flag Series	Flag Numbers	Resource Area Type ¹	Description ²
1A	1A-1 → 1A-15	Inland Bank/MAHW	Assawompset Pond
2A/B	2A-1 → 2A-8	Inland Bank/MAHW	Nemasket River – Perennial Stream
	2B-1 → 2B-6	MAHW	Nemasket River – Perennial Stream
3A	3A-1 → 3A-22	BVW	Shrub Swamp

¹ MAWH = Mean Annual High Water

² Stream status determined as per the MAWPA at 310 CMR 10.58(2)(a)(1)(a) and (c)

2.3.1 Inland Bank

Flag Series 1A (Assawompset Pond)

Flag series 1A demarcates the limits of Assawompset Pond's inland Bank. This bank coincides with the foot of the Assawompset Pond Dam and the pond's Mean Annual High Water (MAHW) line for most of its length. It is composed primarily of sand with the presence of cobbles and boulders along the foot of the dam. No vegetation is present along the bank.

Flag Series 2A (Nemasket River)

Flag series 2A demarcates the limits of the Nemasket River's inland Bank. The river is a perennial stream that flows out of the out of Assawompset Pond through the concrete spillway structure in the Assawompset Pond Dam. The left bank, on the western side of the river, is artificially raised to the level of the spillway structure from the spillway to approximately 100 feet downstream. It is armored for roughly 35 feet near the spillway structure to prevent scour from the fish ladder on the eastern side of the spillway. Dominant vegetation along the Banks includes red maple (*Acer rubrum*, FAC), black gum (*Nyssa sylvatica*, FAC), arrowwood (*Viburnum dentatum*, FAC), sweet pepperbush (*Clethra alnifolia*, FAC) and common reed (*Phragmites australis*, FACW).

2.3.2 Bordering Vegetated Wetlands

One (1) Bordering Vegetated Wetland was identified within 100 feet of the Project Site and is demarcated by Wetland Flag Series 3A. It is classified as a Cowardin Palustrine

Section 2 Existing Environment

Scrub Shrub (PSS) wetland, with inclusions of Palustrine Emergent (PEM) areas noted. Hydric indicators included high water table, saturation, inundation visible on aerial imagery, water-stained leaves, microtopographic relief, and geomorphic position. Dominant vegetation observed included common reed (*P. australis*, FACW), reed canary grass (*Phalaris arundinacea*, FACW), soft rush (*Juncus effusus*, OBL), cattail (*Typha latifolia*, OBL), arrowwood (*V. dentatum*, FAC), silky dogwood (*Cornus amomum*, FACW), highbush blueberry (*Vaccinium corymbosum*, FACW), and red maple (*A. rubrum*, FAC).

2.3.3 Land Under Waterbodies and Waterways (LUW)

As defined at 310 CMR 10.56(2), Land Under Water Bodies and Waterways (LUW) is the land beneath any creek, river, stream, pond or lake. LUW within the Project Site is present beneath Assawompset Pond (Flag Series 1A) and the Nemasket River (Flag Series 2B).

2.3.4 Bordering Land Subject to Flooding

According to the most recent Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA) and identified as Community-Panel Number 25023C0431K (effective July 16, 2015) the entirety of the Project Area is within the mapped limit of 100-year flooding with a Base Flood Elevation of 57 feet. This includes Zone AE / Floodway along the Nemasket River and Zone AE through the rest of the Project Area. BLSF within the proposed work area is associated with Assawompset Pond and the Nemasket River. A copy of the FEMA FIRMette of the Project Site is provided in Appendix A for reference.

2.3.5 Riverfront Area

Riverfront area associated with the Nemasket River is dominated by BVW, with a small portion containing the dam area adjacent to the river. Dominant vegetation observed included common reed (*P. australis*, FACW), reed canary grass (*P. arundinacea*, FACW), soft rush (*J. effusus*, OBL), cattail (*T. latifolia*, OBL) arrowwood (*V. dentatum*, FAC), silky dogwood (*C. amomum*, FACW), highbush blueberry (*V. corymbosum*, FACW), and red maple (*A. rubrum*, FAC).

2.4 Rare Species

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas, 15th edition, effective August 1, 2021, and MassGIS online mapping data (August 1, 2021), were reviewed during the preparation of this application. According to these sources, the proposed work is located within the limits of mapped Priority Habitats of Rare Species (PH559) and Estimated Habitats of Rare Wildlife (EH543), as shown on the MassDEP Priority Resource Map and Site Plan (Figure 2 and Figure 3 in Appendix A).

2.5 Outstanding Resource Waters

The Outstanding Resource Waters data layer maintained by MassGIS was reviewed for this project. The proposed work falls within the Assawompset Pond Public Water Supply Watershed and Pocksha Pond Water Supply Watershed, which are designated as Outstanding Resource Waters.

Section 3

Project Description

This section provides a description of the proposed tree and brush removal, protective measures, and post-construction site restoration and stabilization.

3.1 Proposed Activities

The proposed project involves the removal of trees and brush from the embankments, abutments, and within 20 feet of the Assawompset Pond Dam in accordance with the Massachusetts Office of Dam Safety's Policy on Trees on Dams. This work would leave stumps in place and cut trees and brush will be removed from the Project Site.

3.2 Protective Measures

The removal of trees and brush is not expected to cause significant erosional hazards or impacts; however, it is recommended that protective measures such as the following are implemented during the vegetation removal:

- On the downstream side of the dam and within the adjacent BVW, work activities should not take place during saturated soil conditions, as to minimize disturbance to wetland soils. Work on the upstream side of the dam and adjacent Assawompset Pond should avoid dropping trees, brush, and their debris into the pond.
- In cases of ground disturbance, such as uprooting of trees, creation of divots due to dropped trees, presence of tire ruts, etc., efforts should be taken to repair and stabilize soils as soon as possible where ruts, root voids, etc. have formed.
 - Where ruts, voids, etc. form on embankment slopes and stabilization is not immediately possible, wattles should be installed perpendicular to the slope across these disturbed areas to minimize the flow of water across the disturbance until appropriate repairs can be made.
- In situations where the removal of a large, dropped tree could cause significant disturbance to wetland soils, it may be preferred to allow the cut tree to remain as a source of functional coarse woody debris to the wetland. This should be done in consultation with Tighe & Bond environmental staff or the local Conservation Agent.

3.3 Post Construction Restoration

Following the completion of tree and brush removal, areas of the embankment slopes where preferential flow path, ruts, voids, etc., have formed due to the vegetation removal, as well as areas where bare soil is present, should be filled and/or graded and stabilized with a grass seed mix deemed appropriate for use on dam embankments.

3.4 Discussion of Alternatives

As set forth at 310 CMR 10.53(3), an alternative analysis is required when considering authorization of activities as Limited Projects. The following alternatives were considered for this project.

3.4.1 No Action

The no action alternation would entail leaving the Assawompset Pond Dam in Poor condition and susceptible to additional deterioration and potential failure. Continued growth of the trees can compromise the integrity of the earthfill embankment and prevent the regular visual monitoring of the embankment for animal burrows, localized depressions, bare spots, and any other type of unusual activity. This alternative was discarded because it would not meet project goals of addressing safety-related concerns related to the dam's Poor condition rating.

3.4.2 Tree and Brush Removal (Preferred)

This alternative removes trees and brush on the embankment, abutments, and within 20 feet of the dam in accordance with the Massachusetts Office of Dam Safety's Policy on Trees on Dams. Completion of this alternative allows for the regular monitoring and mowing maintenance of the dam and is a step towards addressing safety-related concerns of the dam's Poor condition rating with no net change of wetland area. As this alternative does not trigger further Army Corps of Engineers permitting, it provides a quicker approval to commence compliance with dam regulations and can serve as an initial phase for future remedial actions.

3.4.3 Remedial Modifications

This alternative includes the aforementioned tree and brush removal plus remedial modifications to the dam, such as large stump removal, regrading of the embankment crest, rehabilitation of the auxiliary spillway, and armoring of the entire length of upstream slope. The cost and time constraints to permit and undertake these modifications currently limit this alternative's full implementation; therefore, this alternative is not selected. Additional dam modifications may be proposed at a future date and will require an additional NOI application to the Commission.

Section 4

Regulatory Compliance

This section summarizes the project's relationship to and compliance with the Massachusetts Wetlands Protection Act and its regulations, as well as other pertinent local, state, and federal regulatory programs.

4.1 Massachusetts Wetland Protection Act

4.1.1 Limited Project Status

The proposed activities qualify for consideration as a Limited Project per 310 CMR 10.53(3)(i):

The maintenance, repair and improvement (but not substantial enlargement except when necessary to meet the Massachusetts Stream Crossing Standards) of structures, including dams and reservoirs and appurtenant works to such dams and reservoirs, buildings, piers, towers, headwalls, bridges, and culverts which existed on the effect date of 310 CMR 10.51 through 10.60 (April 1, 1983).

As such, the City of Taunton respectfully requests that the Commission grant Limited Project status to the qualifying proposed vegetation removal, where necessary to approve the project.

4.1.2 Summary of MAWPA Jurisdictional Alteration

Work associated with the proposed vegetation removal occurs within areas subject to protection and jurisdiction under the MAWPA. These areas consist of Bank, BVW, BLSF, the 100-foot MAWPA Buffer Zone to inland Bank and BVW, and the 200-foot Riverfront Area of the Nemasket River. Table 4-1 provides a summary of Resource Area alteration.

While alteration consists of the permanent removal of woody vegetation, the dam was historically maintained to exclude this vegetation and thus removal constitutes a restoration of this safety practice and herbaceous vegetative cover with no net loss of wetland area. This discussion of the alteration's performance standards compliance is provided in the following subsection.

TABLE 4-1
Summary of Resource Area alterations within Jurisdictional Areas¹

Resource Area	Area (sf) or Length (lf)
Bank	908
BVW	23,367
LUW	0
BLSF	63,987
Riverfront Area	15,354

¹ Note that Resource Areas partially overlap, resulting in a smaller overall footprint.

4.1.3 MAWPA Performance Standards

The proposed alterations to Bank, BVW, BLSF, and Riverfront Area resulting from the proposed activities are subject to the performance standards set forth at 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.57(4), and 310 CMR 10.58(4), respectively. The following sections present the MAWPA Performance Standards for these wetland resource areas (in *italic font*) and the compliance of the proposed activities with those standards (in normal font).

4.1.2.1 Inland Bank

As noted in Table 4-1, approximately 908 lf of Bank will be temporarily impacted during the proposed work. The alteration is associated with the removal of trees along the bank where it coincides with the dam embankment and within 20 feet of the dam. This work is not expected to impair the stability or ecological function of the bank. The Performance Standards for inland Bank are set forth at 310 CMR 10.54 (4)(a) and are addressed below.

(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:

1. The physical stability of the Bank;

Removal of woody vegetation from the bank increases stability, as it prevents the growth of roots within the dam's designed structure and armoring. Tree and brush removal along the Nemasket River banks are located primarily in an armored section.

2. The water carrying capacity of the existing channel within the Bank;

This project does not modify the existing dimensions or carrying capacity of the existing channel within the banks.

3. Ground water and surface water quality;

Construction period protective measures (e.g. erosion/sedimentation controls) have been incorporated into project design, as needed, to limit impacts to ground and surface water quality. Herbaceous vegetation will still be present following the removal of trees and brush and the project is not expected to impact groundwater or surface water quality.

4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;

The proposed project maintained existing fisheries habitat and does not significantly alter the ability of the Bank to provide this habitat in the project area.

5. The capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.

Section 4 Regulatory Compliance

This project is returning the dam to previously maintained herbaceous conditions that were regularly present. Therefore, no adverse effects on the typical wildlife habitat of the area are expected.

6. *Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirement of 310 CMR 10.54(4)(a)5., the impact on bank caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures contained in 310 CMR 10.60.*

Not applicable to this project.

- (b) *Notwithstanding the provisions of 310 CMR 10.54(4)(a), structures may be permitted in or on a Bank when required to prevent flood damage to facilities, buildings and roads constructed prior to the effective date of 310 CMR 10.51 through 10.60 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983), including the renovation or reconstruction (but not substantial enlargement) of such facilities, buildings and roads, provided that the following requirements are met:*

1. *The proposed protective structure, renovation or reconstruction is designed and constructed using best practical measures so as to minimize adverse effects on the characteristics and functions of the resource area;*
2. *The applicant demonstrates that there is no reasonable method of protecting, renovating or rebuilding the facility in question other than the one proposed.*

Not applicable to this project.

- (c) *Notwithstanding the provisions of 310 CMR 10.54(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.59.*

The proposed work is not expected to have an adverse effect on the habitat of Rare Species. This NOI is being concurrently submitted the MassWildlife NHESP for streamlined review.

4.1.2.2 Bordering Vegetated Wetland

The work activities associated with the Project will result in 63,987 sf of temporary alteration to BVW. No loss of wetland area or significant change to wetland hydrology is expected, and this work reverts the area wetland in the work area to its prior vegetatively managed state. The Performance Standards for BVW are set for at 310 CMR 10.55(5)(4).

- (a) *Where the presumption set forth in 310 CMR 10.53(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.*

No loss of wetland area is expected to result from the proposed work activities.

(b) Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

- 1. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");*
- 2. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;*
- 3. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;*
- 4. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;*
- 5. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;*
- 6. at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Services methods; and*
- 7. the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.*

In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

No loss of wetland area is expected to result from the proposed work activities.

(c) Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of Bordering Vegetated Wetland when:

- 1. said portion has a surface area less than 500 square feet;*
- 2. said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and*

3. *in the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland.*

No loss of wetland area is expected to result from the proposed work activities.

- (d) *Notwithstanding the provisions of 310 CMR 10.55(4)(a), (b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.*

The proposed work is not expected to have an adverse effect on the habitat of Rare Species. This NOI is being concurrently submitted the MassWildlife NHESP for streamlined review.

- (e) *Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Environmental Affairs under M.G.L. c.21A § 2(7) and 301 CMR 12.00.*

This project is not within an ACEC.

4.1.2.3 Bordering Land Subject to Flooding

The disturbance associated with work activities will result in approximately 133,768 sf of temporary impacts within BLSF. The removal of trees is not expected to affect flood storage, restrict flows, or impair the floodplain's ability to provide important wildlife habitat functions. The Performance Standards for BLSF are set for at 310 CMR 10.57(4)(a).

1. *Compensatory flood storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood water during peak flows.*

Compensatory flood storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

No change to flood storage is expected as a result of the work activities.

2. *Work within Bordering Land Subject to Flooding, including work required to provide the above-specified compensatory flood storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

No change in flow, flood storage, or flood velocity are expected as a result of this project and the dam should continue to maintain its existing flows.

3. *Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

This project is returning the dam to previously maintained herbaceous conditions that were regularly present. Therefore, no adverse effects on the typical wildlife habitat of the area are expected.

4.1.2.4 Riverfront Area

Approximately 15,354 sf of temporary alteration will occur within the Riverfront Area for the proposed work. The proposed work is not expected to conform the protection of other resource areas and not significant adverse impact is expected. Alternatives to the project are described in Section 3.4 and no practicable and substantially equivalent economic alternative to the proposed work with less adverse effects to Riverfront Area are thought to be feasible. This section describes the applicable Riverfront Area Performance Standards at 310 CMR 10.58(4).

(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

Compliance with other resource area performance standards are reviewed in this section of the NOI narrative. The project qualifies for consideration as a Limited Project

and has been designed to meet performance standards to the maximum extent practicable.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

The proposed work is not expected to have an adverse effect on the habitat of Rare Species. This NOI is being concurrently submitted the MassWildlife NHESP for streamlined review. No vernal pool habitat was identified at or near the project site.

(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

Section 3.4 presents a summary of the alternatives assessment conducted for the is project. The proposed work activities were determined to be the most cost-effective safety repairs with minimal environmental impacts to Resource Areas.

(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.

The project will not result in a significant change in character of or adverse impact to Riverfront Area. The project disturbance focuses on restoring the dam area to previously maintained conditions.

4.2 Other Regulatory Programs

4.2.1 MA Wetlands Protection Act - Middleborough

A separate NOI will be submitted to the Town of Middleborough Conservation Commission for vegetation management of the eastern area of the earthen dam at Assawompset Pond.

4.2.2 MA Endangered Species Act

The Project is subject to the Massachusetts Endangered Species Act (MESA) regulation set for at 321 CMR 10.00, as administrated by NHESP. MESA jurisdiction is triggered by activities proposed within mapped Priority Habitats of Rare Species and Estimated Habitats of Rare Wildlife. A copy of the NOI has been sent to NHESP for streamlined review under both the MAWPA and MESA.

4.2.3 MA Public Waterfront Act

The Project falls under the purview of Chapter 91 of the Massachusetts Public Waterfront Act through the Great Pond status of Assawompset Pond. However, maintenance to a valid

licensed fill or structure is considered an exempt activity and does not require authorization.

4.2.4 Chapter 253 Dam Safety Permit

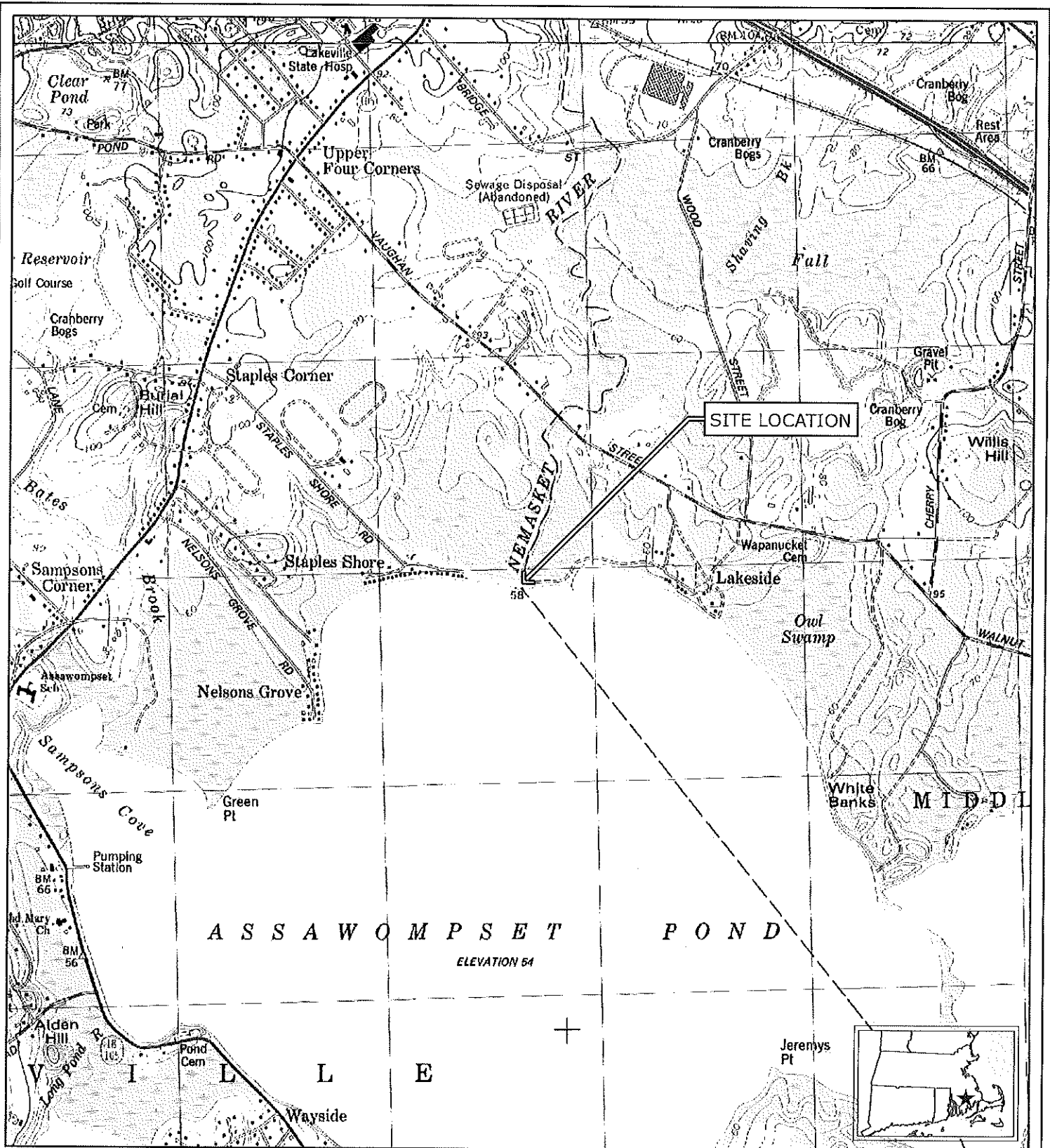
In accordance with M.G.L. Chapter 253, as amended by Chapter 330 of the Acts of 2002, MassDCR will be filing an Application for Dam Safety Permit with MADCR Office of Dam Safety to perform the proposed remedial repairs.

4.2.5 Sections 404 and 401 of the Clean Water Act

This project does not propose a dredge or fill in a Waters of the United States or associated wetland and therefore does not require authorization under these regulatory programs.

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APPENDIX A



Legend

Project Locus

Tighe & Bond

Based on USGS Topographic Map for Lakeville, MA Revised 1978. Contour Interval Equals Feet.

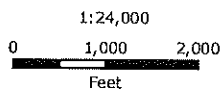
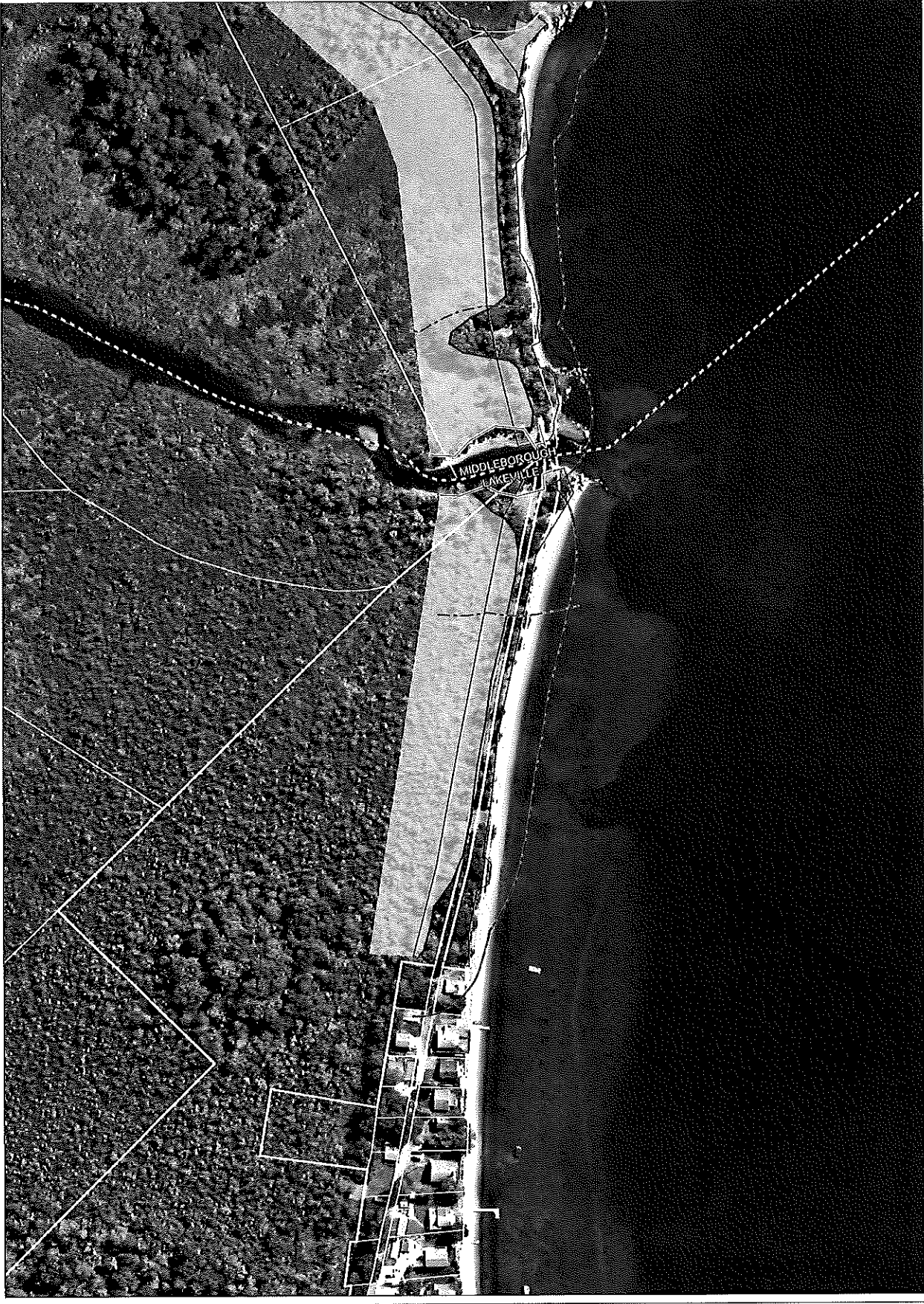


FIGURE 1

SITE LOCATION

Assawompset Pond Dam Tree Removal
Assawompset Pond
Lakeville, Massachusetts

October 2022

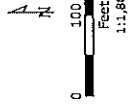
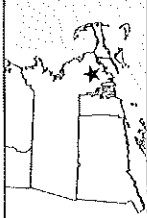


**FIGURE 3
ORTHOPHOTOGRAPH**

LEGEND

- 200' Riverfront Area
- Delineated Bank
- BVW Boundary
- 100' BVW Buffer
- Work Limits
- Town Boundary
- Project Locus
- Parcels
- Field Delineated Wetland*

LOCUS MAP



NOTES

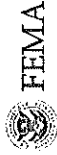
1. Based on Aerial Color Orthophotograph (2022).
2. * In the legend indicates Streamflow.

Assawampset Pond Dam Tree Removal
Assawampset Pond
Lakeville, Massachusetts

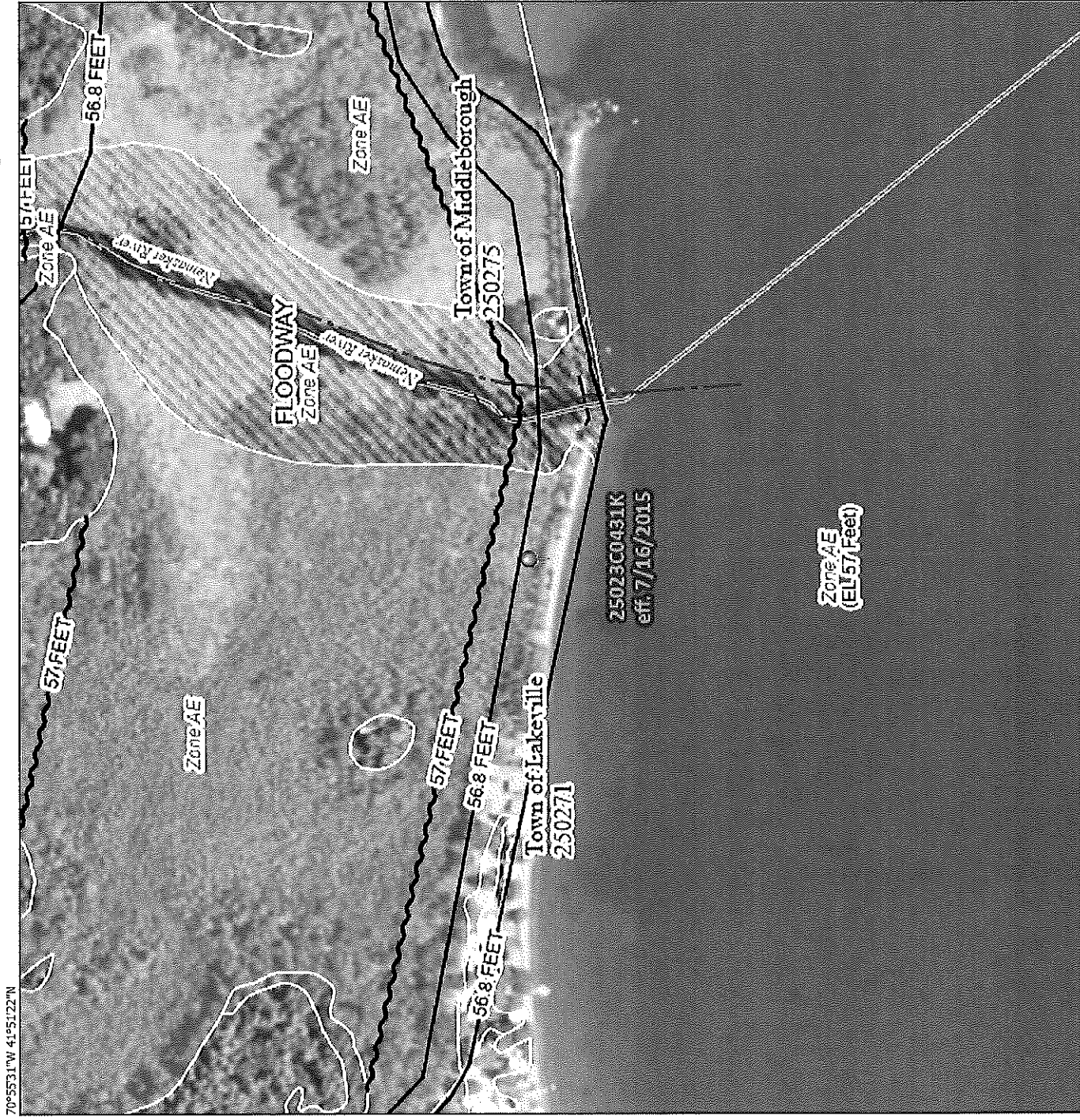
October 2022

Tighe & Bond

National Flood Hazard Layer FIRMette



70°55'31"W 41°51'22"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee, See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
	NO SCREEN
	Area of Minimal Flood Hazard Zone X
	Effective LOMs
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/11/2022 at 11:38 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

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APPENDIX B

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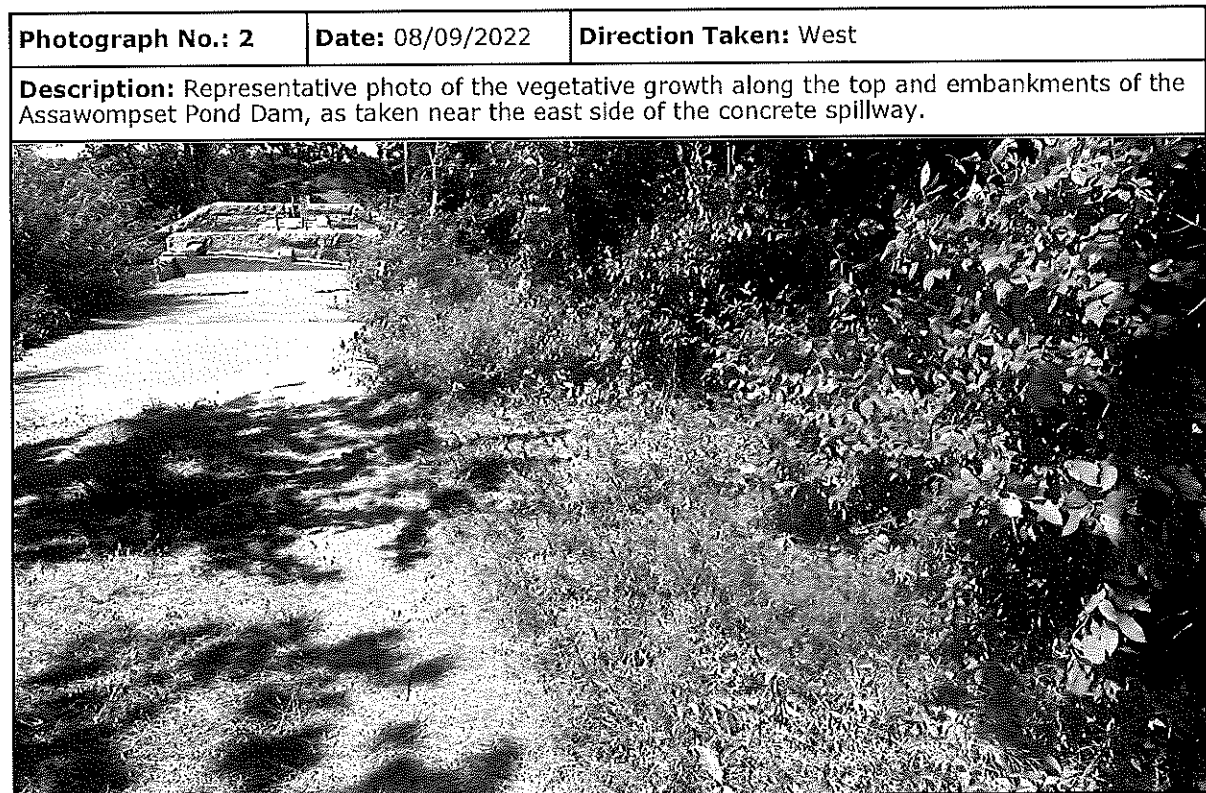
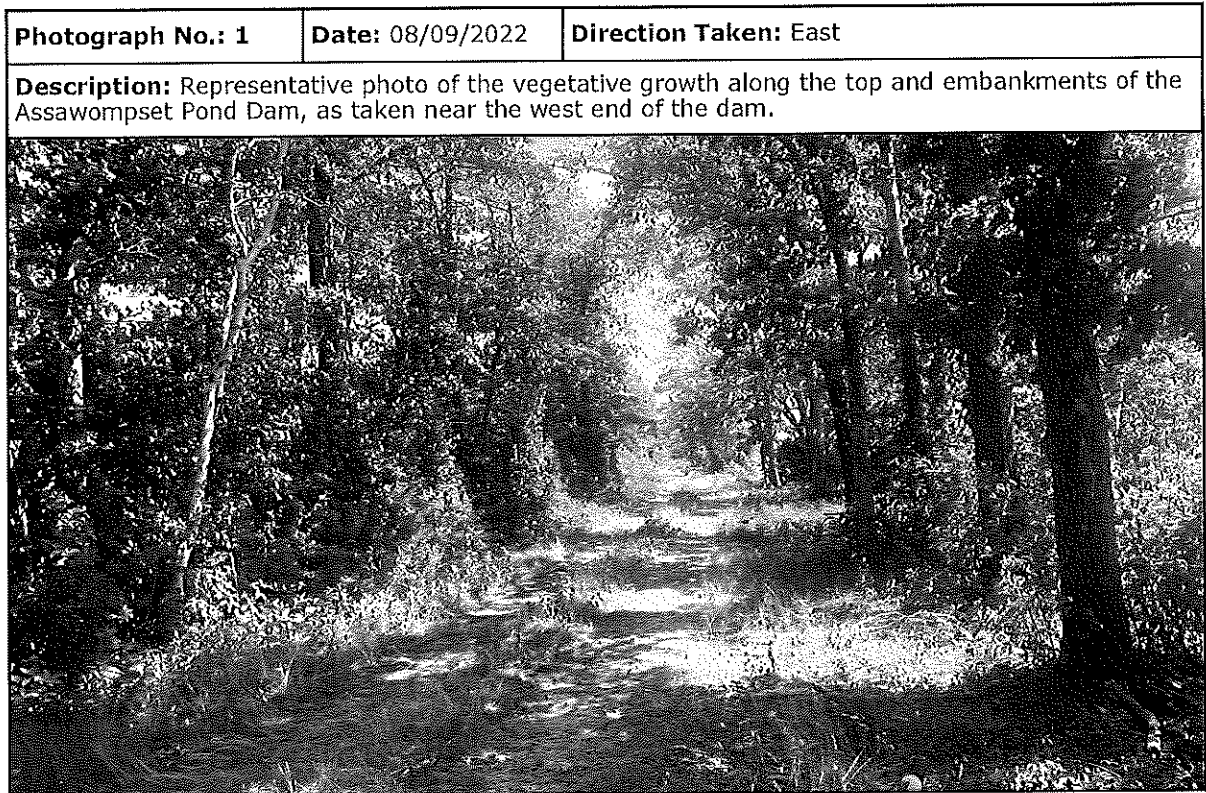
APPENDIX C

Appendix C - Photographic Log

Client: City of Taunton Water Division

Job Number: T0314-054

Site: Assawompset Pond Dam Tree Removal

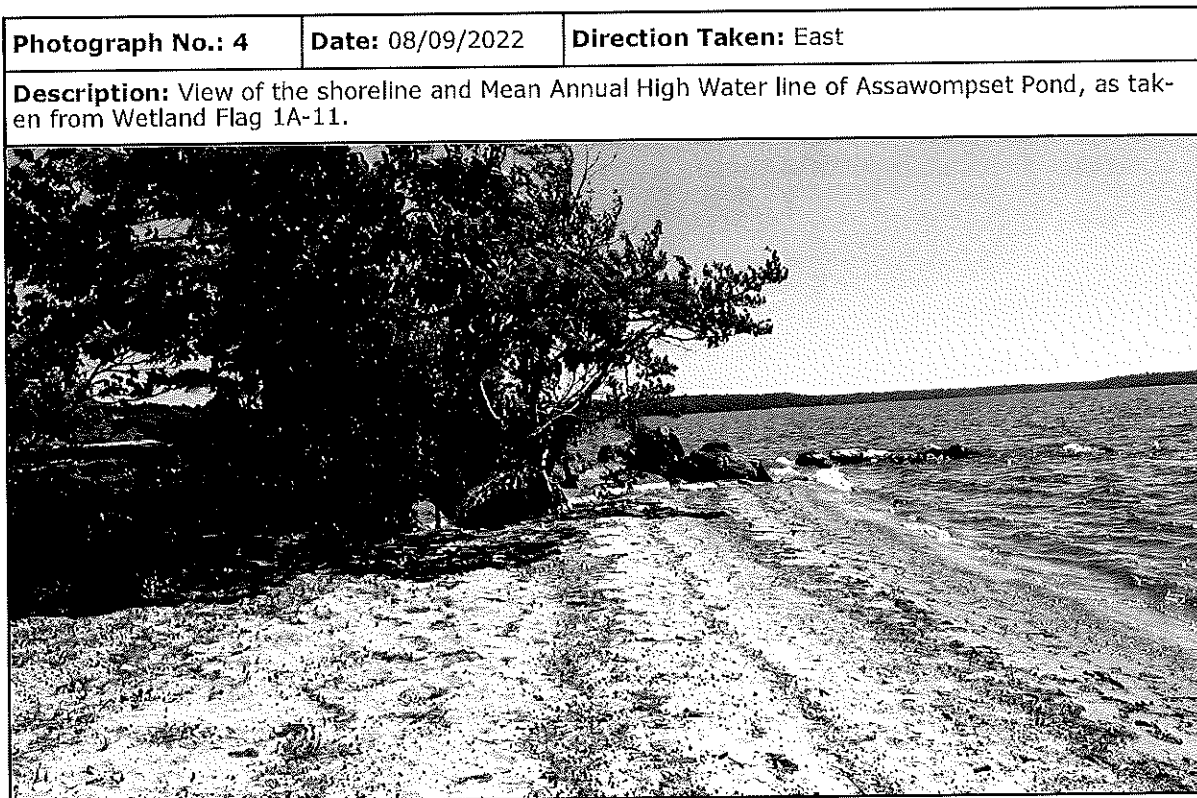
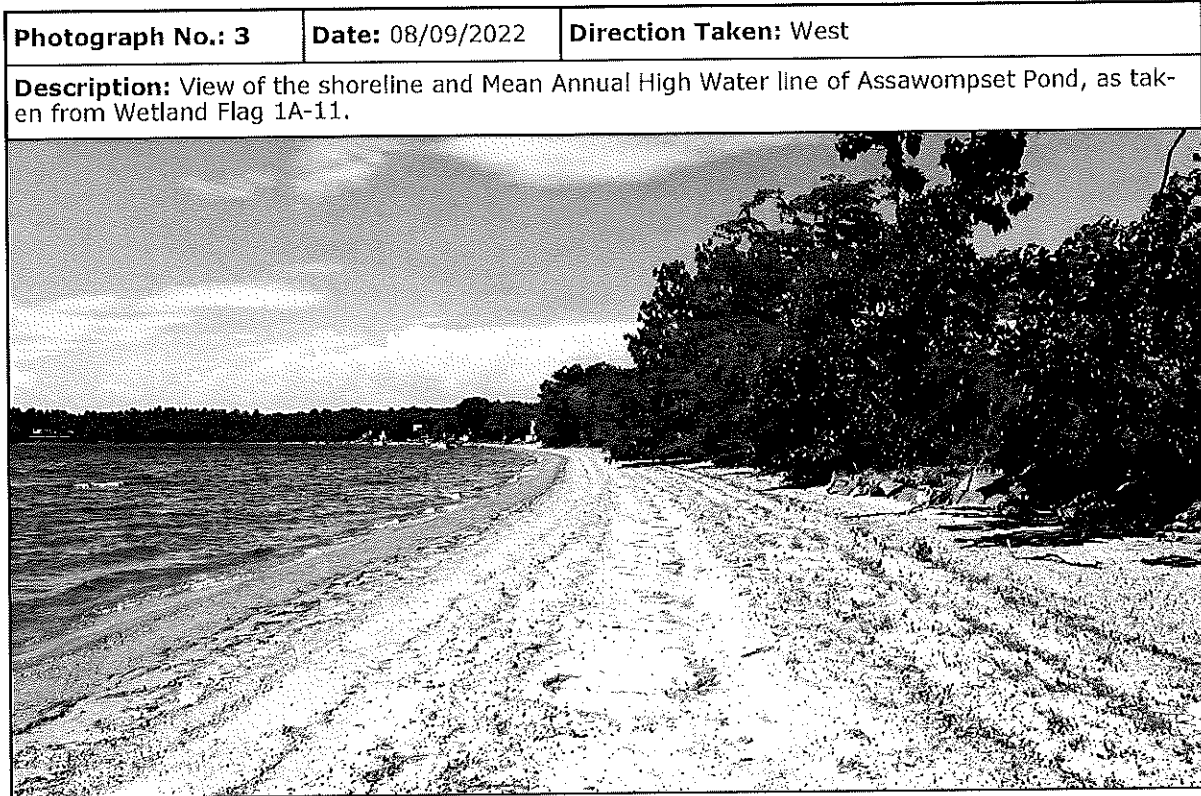


Appendix C - Photographic Log

Client: City of Taunton Water Division

Job Number: T0314-054

Site: Assawompset Pond Dam Tree Removal



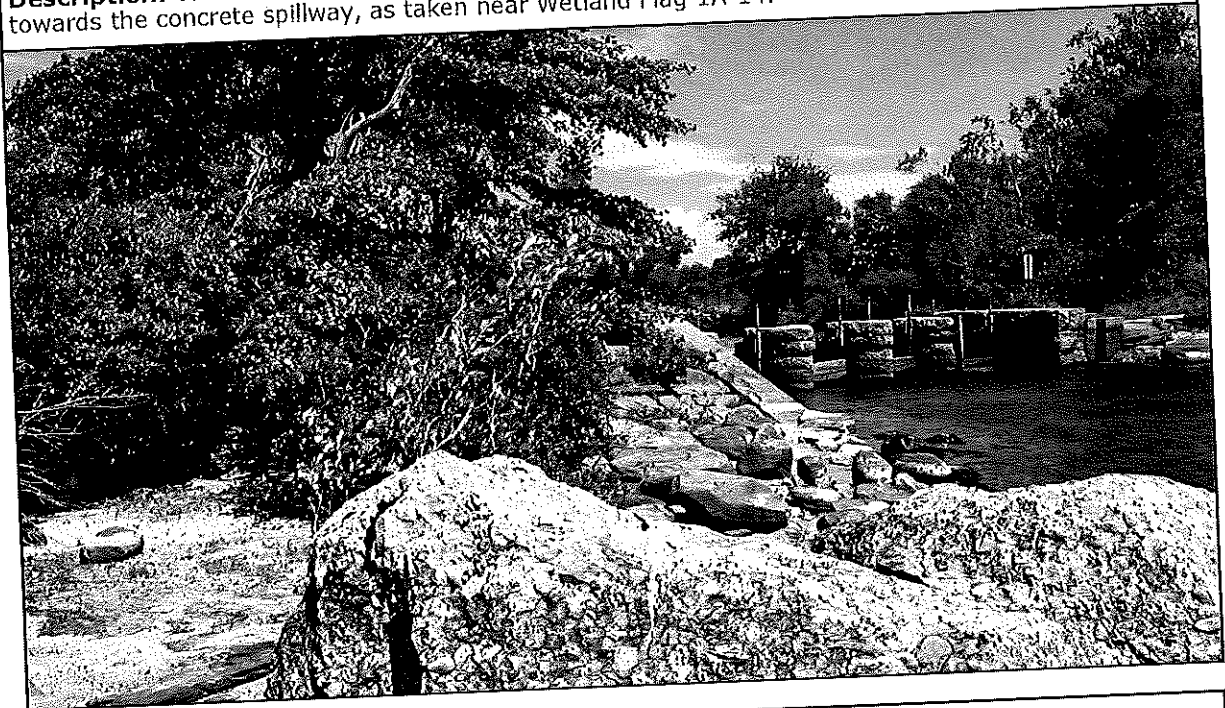
Appendix C - Photographic Log

Client: City of Taunton Water Division

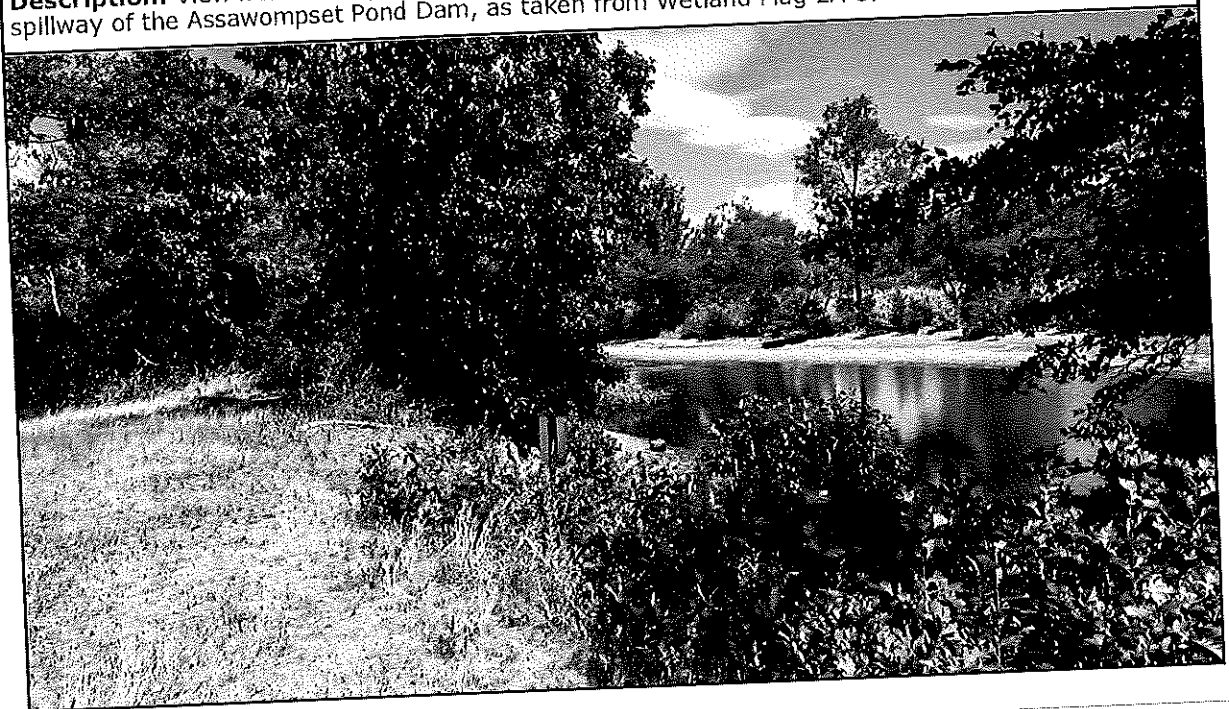
Job Number: T0314-054

Site: Assawompset Pond Dam Tree Removal

Photograph No.: 5	Date: 08/09/2022	Direction Taken: North
Description: View of the shoreline and Mean Annual High Water line of Assawompset Pond looking towards the concrete spillway, as taken near Wetland Flag 1A-14.		



Photograph No.: 6	Date: 08/09/2022	Direction Taken: North
Description: View from the top of the left Bank of the Nemasket River adjacent to the concrete spillway of the Assawompset Pond Dam, as taken from Wetland Flag 2A-3.		



Appendix C - Photographic Log

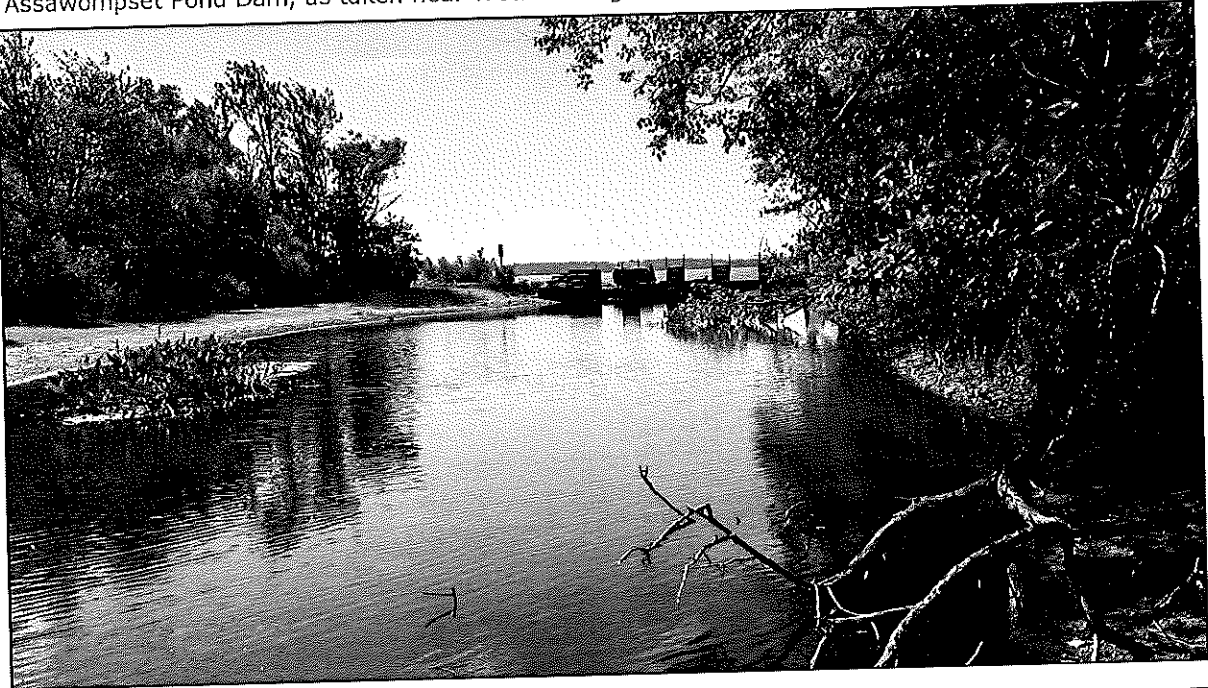
Client: City of Taunton Water Division

Job Number: T0314-054

Site: Assawompset Pond Dam Tree Removal

Photograph No.: 7	Date: 08/09/2022	Direction Taken: South
-------------------	------------------	------------------------

Description: View of the Nemasket River looking upstream towards the concrete spillway of the Assawompset Pond Dam, as taken near Wetland Flag 2A-8.



Photograph No.: 8	Date: 08/09/2022	Direction Taken: North
-------------------	------------------	------------------------

Description: View of Wetland 3A, as taken from Wetland Flag 3A-13.



Tighe&Bond

APPENDIX D



Town of Lakeville
Town Office Building
346 Bedford Street
Lakeville, MA 02347

ABUTTERS LIST REQUEST FORM

Today's Date: 10/06/2022

Date Needed: 10/14/2022

Department / Company Name: Tighe & Bond, Inc.

Contact Person: Peter Backhaus

Contact Telephone: (518) 466-4538

Contact Fax:

Parcel ID / Location Address: Map 064 Lots 001-006 & 001-007 (Staples Shore Road)

Book: 4103 Page: 362

Footage / Perimeter of Abutters List Request:

Conservation Commission (100')

Planning Board (500')

Zoning Board of Appeals (300')

Other _____

Certified List (First page \$10.00)

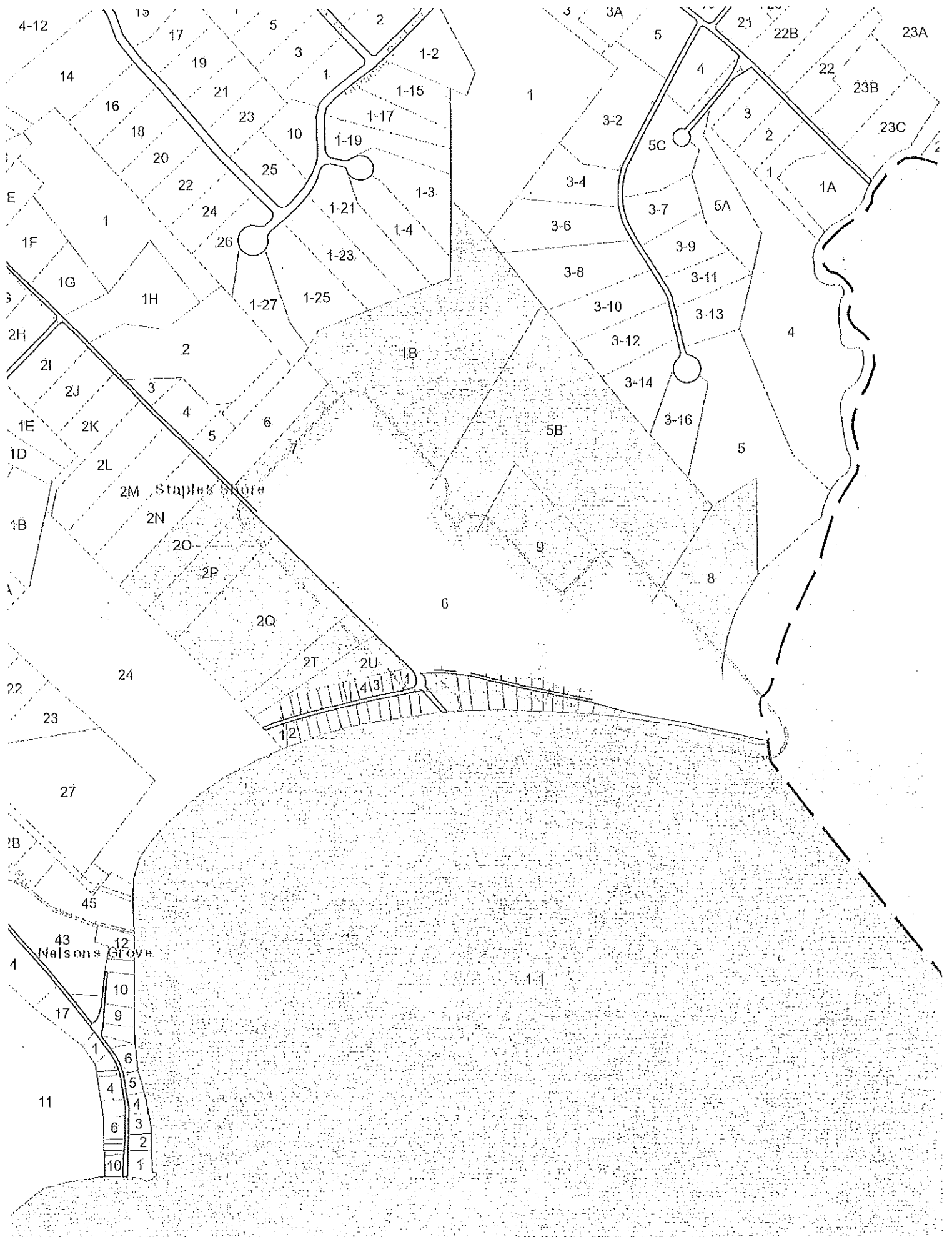
Non-Certified List (No Charge)

Notes: Please email completed copy to pbackhaus@tighebond.com if possible

Total Due: \$ 10.00

Date Paid: 10/06/2022

Date Completed: 10/11/2022





100 foot Abutters List Report

Lakeville, MA
October 11, 2022

Subject Property:

Parcel Number: 064-001-006 + 064-001-007
CAMA Number: 064-001-006 + 064-001-007
Property Address: STAPLES SHORE RD

Mailing Address: LAKEVILLE CONSERVATION
COMMISSION
346 BEDFORD ST
LAKEVILLE, MA 02347

Abutters:

Parcel Number: 057-001-001-01
CAMA Number: 057-001-001-01
Property Address: ASSAWOMPSET POND

Mailing Address: TAUNTON CITY OF WATER DEPT
90 INGELL ST
TAUNTON, MA 02780

Parcel Number: 058-007-002O
CAMA Number: 058-007-002O
Property Address: 38 STAPLES SHORE RD

Mailing Address: SHIMKUS JOHN D TRUSTEE
38 STAPLES SHORE RD
LAKEVILLE, MA 02347

Parcel Number: 058-007-002P
CAMA Number: 058-007-002P
Property Address: 40 STAPLES SHORE RD

Mailing Address: GAUDETTE LEONARD C JR TRUSTEE
STAPLES SHORE ROAD NOMINEE
TRUST
40 STAPLES SHORE RD
LAKEVILLE, MA 02347

Parcel Number: 058-007-002Q
CAMA Number: 058-007-002Q
Property Address: 42 STAPLES SHORE RD

Mailing Address: GRENIER ROBERT G & KATHERINE N
42 STAPLES SHORE RD
LAKEVILLE, MA 02347

Parcel Number: 058-007-002T
CAMA Number: 058-007-002T
Property Address: 48 STAPLES SHORE RD

Mailing Address: LUCAS LEAH B C/O LEAH B CALLAN
23 FARMFIELD STREET
FAIRHAVEN, MA 02719

Parcel Number: 058-007-002U
CAMA Number: 058-007-002U
Property Address: 50 STAPLES SHORE RD

Mailing Address: STORK KRISTIN L & DONOVAN MICHAEL
J JR TRUSTEES OF DONOVAN FAMILY
IRR TR
91 DIANE AVE
SOUTH YARMOUTH, MA 02664

Parcel Number: 058-008-007
CAMA Number: 058-008-007
Property Address: 35 STAPLES SHORE RD

Mailing Address: TRAINER JOHN M JR
35 STAPLES SHORE RD
LAKEVILLE, MA 02347

Parcel Number: 063-003-001B
CAMA Number: 063-003-001B
Property Address: REARHITCHING POST RD

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 064-001-005B
CAMA Number: 064-001-005B
Property Address: RIVER BEND

Mailing Address: TOWN OF LAKEVILLE
346 BEDFORD ST
LAKEVILLE, MA 02347



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10/11/2022

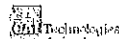
Page 1 of 4



100 foot Abutters List Report

Lakeville, MA
October 11, 2022

Parcel Number: 064-001-007 CAMA Number: 064-001-007 Property Address: STAPLES SHORE RD	Mailing Address: TAUNTON CITY WATER DEPARTMENT 90 INGELL ST TAUNTON, MA 02780
Parcel Number: 064-001-008 CAMA Number: 064-001-008 Property Address: RIVER BEND	Mailing Address: MARRA JAMES J & CARRIE A 15 PHEASANT RUN LAKEVILLE, MA 02347
Parcel Number: 064-001-009 CAMA Number: 064-001-009 Property Address: REARVAUGHAN ST	Mailing Address: FREITAS DAVID A 32 WOOD STREET MIDDLEBORO, MA 02346
Parcel Number: 064-002-001 CAMA Number: 064-002-001 Property Address: 129 STAPLES SHORE RD	Mailing Address: DECAST DONNA J 129 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-002-002 CAMA Number: 064-002-002 Property Address: 131 STAPLES SHORE RD	Mailing Address: WILLS CLARENCE & JANET LEE 72 VAUGHAN ST LAKEVILLE, MA 02347
Parcel Number: 064-002-015 CAMA Number: 064-002-015 Property Address: 133 STAPLES SHORE RD	Mailing Address: SENA SUSAN M 133 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-003-004-991 CAMA Number: 064-003-004-991 Property Address: 117 STAPLES SHORE RD	Mailing Address: HARRISON PAUL & NORA 117 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-003-005-991 CAMA Number: 064-003-005-991 Property Address: 115 STAPLES SHORE RD	Mailing Address: ARNESON LORNA L & ROBERT V ARNESON TRUST 115 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-003-006-991 CAMA Number: 064-003-006-991 Property Address: 113 STAPLES SHORE RD	Mailing Address: BELL JEFFREY C & LORI A BAKIRAKIS- BELL 12 CREST DR MIDDLEBORO, MA 02346
Parcel Number: 064-003-007-991 CAMA Number: 064-003-007-991 Property Address: 111 STAPLES SHORE RD	Mailing Address: O'KEEFE DENNIS J & JENNIFER L G 370 SHAGBARK RD TAUNTON, MA 02780
Parcel Number: 064-003-013 CAMA Number: 064-003-013 Property Address: 129 STAPLES SHORE RD	Mailing Address: DECAST DONNA J 129 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-003-014 CAMA Number: 064-003-014 Property Address: 127 STAPLES SHORE RD	Mailing Address: WILSON JOAN K ESTATE ET ALS C/O MARGUERITE REILLY 52 EDGEHILL RD STOW, MA 01775



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10/11/2022

Page 2 of 4



100 foot Abutters List Report

Lakeville, MA
October 11, 2022

Parcel Number: 064-003-015
 CAMA Number: 064-003-015
 Property Address: 125 STAPLES SHORE RD
 Mailing Address: CORSINI IRREVOCABLE TRUST
 125 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-016
 CAMA Number: 064-003-016
 Property Address: 123 STAPLES SHORE RD
 Mailing Address: BARRON THOMAS F & SHERRILL F
 6 SASSAMON CIR
 LAKEVILLE, MA 02347

Parcel Number: 064-003-017
 CAMA Number: 064-003-017
 Property Address: 119 STAPLES SHORE RD
 Mailing Address: WESTGATE CHESTER & PATRICIA
 119 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-018
 CAMA Number: 064-003-018
 Property Address: 119 STAPLES SHORE RD
 Mailing Address: WESTGATE CHESTER & PATRICIA
 119 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-019
 CAMA Number: 064-003-019
 Property Address: 117 STAPLES SHORE RD
 Mailing Address: HARRISON PAUL & NORA
 117 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-020
 CAMA Number: 064-003-020
 Property Address: 115 STAPLES SHORE RD
 Mailing Address: ARNESON LORNA L & ROBERT V
 ARNESON TRUST
 115 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-021
 CAMA Number: 064-003-021
 Property Address: 113 STAPLES SHORE RD
 Mailing Address: BELL JEFFREY C & LORI A BAKIRAKIS-
 BELL
 12 CREST DR
 MIDDLEBORO, MA 02346

Parcel Number: 064-003-022
 CAMA Number: 064-003-022
 Property Address: 111 STAPLES SHORE RD
 Mailing Address: O'KEEFE DENNIS J & JENNIFER L G
 370 SHAGBARK RD
 TAUNTON, MA 02780

Parcel Number: 064-003-023
 CAMA Number: 064-003-023
 Property Address: 109 STAPLES SHORE RD
 Mailing Address: RICHARD E TURNER FAMILY TRUST
 C/O CYNTHIA L TURNER-MAFFEI
 PO BOX 1490
 DENNISPORT, MA 02639

Parcel Number: 064-003-023A
 CAMA Number: 064-003-023A
 Property Address: REAR STAPLES SHORE RD
 Mailing Address: RICHARD E TURNER FAMILY TRUST
 CYNTHIA L TURNER-MAFFEI
 PO BOX 1490
 DENNISPORT, MA 02639

Parcel Number: 064-003-024
 CAMA Number: 064-003-024
 Property Address: 107 STAPLES SHORE RD
 Mailing Address: LONGO JAMES A & CAROL A
 107 STAPLES SHORE RD
 LAKEVILLE, MA 02347

Parcel Number: 064-003-025
 CAMA Number: 064-003-025
 Property Address: 105 STAPLES SHORE RD
 Mailing Address: BARNICOAT STEVEN E
 454 W GROVE ST
 MIDDLEBORO, MA 02346



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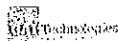
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100 foot Abutters List Report

Lakeville, MA
October 11, 2022

Parcel Number: 064-003-026 CAMA Number: 064-003-026 Property Address: 103 STAPLES SHORE RD	Mailing Address: SENA DONALD T & SUSAN E DONALD & SUSAN REV LIV TRUST 103 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-003-027 CAMA Number: 064-003-027 Property Address: 101 STAPLES SHORE RD	Mailing Address: SENA DONALD T & SUSAN E DONALD & SUSAN SENA REV LIV TRUST 103 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-004-001 CAMA Number: 064-004-001 Property Address: 119 STAPLES SHORE RD	Mailing Address: WESTGATE CHESTER & PATRICIA 119 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-004-002 CAMA Number: 064-004-002 Property Address: 119 STAPLES SHORE RD	Mailing Address: WESTGATE CHESTER & PATRICIA 119 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-004-010 CAMA Number: 064-004-010 Property Address: 107 STAPLES SHORE RD	Mailing Address: LONGO JAMES A & CAROL A 107 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-004-011 CAMA Number: 064-004-011 Property Address: 105 STAPLES SHORE RD	Mailing Address: BARNICOAT STEVEN E 454 W GROVE ST MIDDLEBORO, MA 02346
Parcel Number: 064-004-012 CAMA Number: 064-004-012 Property Address: 103 STAPLES SHORE RD	Mailing Address: SENA DONALD T & SUSAN E DONALD & SUSAN REV LIV TRUST 103 STAPLES SHORE RD LAKEVILLE, MA 02347
Parcel Number: 064-004-013 CAMA Number: 064-004-013 Property Address: 101 STAPLES SHORE RD	Mailing Address: SENA DONALD T & SUSAN E DONALD & SUSAN SENA REV LIV TRUST 103 STAPLES SHORE RD LAKEVILLE, MA 02347



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10/11/2022

Page 4 of 4

Notification to Abutters

Deliver by hand, certified mail (return receipt requested or Certificates of Mailing)


In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is: City of Taunton Water Division
 - B. Property is owned by: City of Taunton and Lakeville Conservation Commission
 - C. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Lakeville, Massachusetts seeking permission to remove, fill, dredge or alter an area subject to protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
 - D. The address where the activity is proposed is: Off Staples Shore Road
 - E. Assessors Map/Block/Lot: Map 064, Block 001, Lots 006 and 007
 - F. Copies of the Notice of Intent may be examined at Lakeville Conservation Commission Monday through Thursday 8am to 4:30pm, and Friday 8am to 12pm.
 - G. Brief description of the project:
Maintenance removal of trees and brush on and along the Assawompset Pond Dam
 - H. Copies of the Notice of Intent may be obtained from the applicant's representative by calling (508) 493-5543. An administrative fee may be applied for copies.
 - I. The public hearing will be held November 22nd, 2022
- Note: Notice of the public hearing will be published at least 5-days in advance in the New Bedford Standard Times.
 - Note: You may contact the Department of Environmental Protection regional office at 508-946-2800 for more information.

Abutter attendance at the hearing is not required.



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3.	BARRON THOMAS F & SHERRIL 6 SASSAMON CIR LAKEVILLE, MA 02347
4.	BELL JEFFREY C & LORI A B 12 CREST DR MIDDLEBORO, MA 02346
5.	CORSINI IRREVOCABLE TRUST 125 STAPLES SHORE RD LAKEVILLE, MA 02347
6.	DECOST DONNA J 129 STAPLES SHORE RD LAKEVILLE, MA 02347

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2. GAUDETTE LEONARD C JR TRU
STAPLES SHORE ROAD NOMINE
40 STAPLES SHORE RD
LAKEVILLE, MA 02347

3. GRENIER ROBERT G & KATHER
42 STAPLES SHORE RD
LAKEVILLE, MA 02347

4. HARRISON PAUL & NORA
117 STAPLES SHORE RD
LAKEVILLE, MA 02347

5. LONGO JAMES A & CAROL A
107 STAPLES SHORE RD
LAKEVILLE, MA 02347

6. LUCAS LEAH B
C/O LEAH B CALLAN
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3.	RICHARD E TURNER FAMILY T C/O CYNTHIA L TURNER-MAFF PO BOX 1490 DENNISPORT, MA 02639	U.S. POSTAGE PAID WALPOLE, MA 02081 NOV 10, 22 AMOUNT \$1.75 R2307M152827-09	U.S. POSTAGE PAID WALPOLE, MA 02081 NOV 10, 22 AMOUNT \$1.75 R2307M152827-09
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5.	SENA SUSAN M 133 STAPLES SHORE RD LAKEVILLE, MA 02347	U.S. POSTAGE PAID WALPOLE, MA 02081 NOV 10, 22 AMOUNT \$1.75 R2307M152827-09	U.S. POSTAGE PAID WALPOLE, MA 02081 NOV 10, 22 AMOUNT \$1.75 R2307M152827-09
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2. *TRAINER JOHN M JR
 35 STAPLES SHORE RD
 LAKEVILLE, MA 02347*

3. *WESTGATE CHESTER & PATRIC
 119 STAPLES SHORE RD
 LAKEVILLE, MA 02347*

4. *WILLS CLARENCE & JANET LE
 72 VAUGHAN ST
 LAKEVILLE, MA 02347*

5. *WILSON JOAN K ESTATE ET A
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APPENDIX E



Checklist for Stormwater Report

A. Introduction

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the Massachusetts Stormwater Handbook. The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.¹ This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8²
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

¹ The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

² For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.



Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

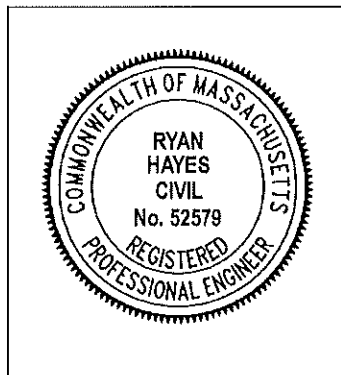
Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



10/26/2022

Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

- New development
- Redevelopment
- Mix of New Development and Redevelopment



Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- No disturbance to any Wetland Resource Areas
- Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- Reduced Impervious Area (Redevelopment Only)
- Minimizing disturbance to existing trees and shrubs
- LID Site Design Credit Requested:
 - Credit 1
 - Credit 2
 - Credit 3
- Use of "country drainage" versus curb and gutter conveyance and pipe
- Bioretention Cells (includes Rain Gardens)
- Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- Treebox Filter
- Water Quality Swale
- Grass Channel
- Green Roof
- Other (describe): _____

Standard 1: No New Untreated Discharges

- No new untreated discharges
- Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation

- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

N/A - Dam Maintenance - No new point source discharges or increases in impervious areas

Standard 3: Recharge

- N/A - Dam Maintenance - No new point source discharges or increases in impervious areas
- Soil Analysis provided.

- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
 - Static
 - Simple Dynamic
 - Dynamic Field¹
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
 - Site is comprised solely of C and D soils and/or bedrock at the land surface
 - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
 - Solid Waste Landfill pursuant to 310 CMR 19.000
 - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

¹ 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.



Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

- The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

- N/A - Dam Maintenance - No new point source discharges or increases in impervious areas
The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
 - Provisions for storing materials and waste products inside or under cover;
 - Vehicle washing controls;
 - Requirements for routine inspections and maintenance of stormwater BMPs;
 - Spill prevention and response plans;
 - Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - Pet waste management provisions;
 - Provisions for operation and management of septic systems;
 - Provisions for solid waste management;
 - Snow disposal and plowing plans relative to Wetland Resource Areas;
 - Winter Road Salt and/or Sand Use and Storage restrictions;
 - Street sweeping schedules;
 - Provisions for prevention of illicit discharges to the stormwater management system;
 - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
 - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
 - Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
 - is within the Zone II or Interim Wellhead Protection Area
 - is near or to other critical areas
 - is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
 - involves runoff from land uses with higher potential pollutant loads.
 - The Required Water Quality Volume is reduced through use of the LID site Design Credits.
 - Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

- The BMP is sized (and calculations provided) based on:
 - The ½" or 1" Water Quality Volume or
 - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the proprietary BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted *prior* to the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does *not* cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has *not* been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.
- N/A - Dam Maintenance - No new point source discharges, changes in land use, or additional impervious areas.

Standard 6: Critical Areas

- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.
- N/A - Dam Maintenance - No new point source discharges.



Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
- Limited Project
 - Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
 - Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
 - Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
 - Bike Path and/or Foot Path
 - Redevelopment Project
 - Redevelopment portion of mix of new and redevelopment.
 - Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
 - The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
- Construction Period Operation and Maintenance Plan;
- Names of Persons or Entity Responsible for Plan Compliance;
- Construction Period Pollution Prevention Measures;
- Erosion and Sedimentation Control Plan Drawings;
- Detail drawings and specifications for erosion control BMPs, including sizing calculations;
- Vegetation Planning;
- Site Development Plan;
- Construction Sequencing Plan;
- Sequencing of Erosion and Sedimentation Controls;
- Operation and Maintenance of Erosion and Sedimentation Controls;
- Inspection Schedule;
- Maintenance Schedule;
- Inspection and Maintenance Log Form.

- A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has *not* been included in the Stormwater Report but will be submitted *before* land disturbance begins.
- The project is *not* covered by a NPDES Construction General Permit.
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

- N/A - Dam Maintenance - No new point source discharges.
- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
 - Name of the stormwater management system owners;
 - Party responsible for operation and maintenance;
 - Schedule for implementation of routine and non-routine maintenance tasks;
 - Plan showing the location of all stormwater BMPs maintenance access areas;
 - Description and delineation of public safety features;
 - Estimated operation and maintenance budget; and
 - Operation and Maintenance Log Form.
- The responsible party is *not* the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
 - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
 - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

- N/A - Dam Maintenance - No new point source discharges.
- The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- An Illicit Discharge Compliance Statement is attached;
- NO Illicit Discharge Compliance Statement is attached but will be submitted *prior to* the discharge of any stormwater to post-construction BMPs.

Stormwater Report Narrative

Section 1: Registered Professional Engineer's Certification

The certification of the registered professional engineer that prepared the stormwater report is included on the stormwater checklist forms.

Section 2: Project Type

This report narrative will provide additional discussion of the checklist standards relative to this project.

The project involves cutting overgrown trees on the Assawompset Pond Dam and is to be considered a redevelopment project. All of the proposed tree cutting is to address deficiencies identified in a recent Phase I Inspection/Evaluation Report performed by Tighe & Bond on October 6, 2021. As a redevelopment project that does not create new connected impervious areas, many of the standards are not applicable, as discussed in this report.

Section 3: LID Measures

The project is considered critical maintenance to an existing dam embankment, and the limits of the tree cutting are based on Massachusetts Office of Dam Safety's Policy on Trees on Dams. The project was designed to adhere to standard procedures of maintaining an existing dam with steps taken to limit disturbance to the existing wetland. Therefore, LID Measures are Not Applicable. No new development is proposed and no stormwater management options with less impact are available.

Section 4: Stormwater Management Standards

Standard 1: No New Untreated Discharges

There are no new stormwater outfalls proposed as a part of this project. No new impervious area will result from the proposed activities.

Standard 2: Peak Rate Attenuation

This work is considered to be maintenance on existing dam embankment. The project will not result in any changes in impervious area.

Standard 3: Recharge

This is a redevelopment project and there will be no change in impervious area, therefore there is no recharge volume required for this site.

Standard 4: Water Quality

This is a redevelopment project and there will be no change in impervious area. The flood control dam will remain in a predominantly vegetated state and requires minimal management for stormwater quality. This work will better stabilize conditions on the dam. No future maintenance activities will result from this project.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

This proposed project is not situated within, nor will result in the development of, areas that qualify for consideration as a Land Use With Higher Potential Pollutant Loads.

Standard 6: Critical Areas

The proposed project is located within a Critical Area. The Assawompset Pond is the Public Water Supply for the City of Taunton. The Stormwater Report steps through each of the stormwater standards and explains how the proposed project applies to each standard, or meets each standard to the maximum extent practicable.

Standard 7: Redevelopments and Other Project Subject to the Standards Only to Maximum Extent Practicable

This project is a Limited Project and the rehabilitation of the existing Assawompset Pond Dam is a redevelopment. The project does include minor changes to the impervious surface for downstream protection of the dam. As described in this report there are no existing stormwater collection systems or BMPs and no new BMPs are proposed. Because this site is a passive flood control dam without human occupied structures or utilities, most standards and stormwater management concerns are not applicable for this project.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

Construction Period Pollution Prevention and Erosion and Sedimentation Control measures are discussed in the Notice of Intent (NOI) project narrative and on the project plans. The project disturbance area is greater than one acre and a registration under the NPDES Construction General permit is anticipated prior to construction.

Standard 9: Operation and Maintenance Plan

The operations and maintenance of this dam is currently conducted by the City of Taunton. The operations include vegetation management and other maintenance activities to ensure the safe operation of this dam. Because there are no constructed stormwater BMPs to manage operations and maintenance plan for this dam will cover the requirements for this standard.

Standard 10: Prohibition of Illicit Discharges

No illicit discharges will result from the proposed project. The project does not generate flows that are typical of illicit discharges.

Tighe&Bond

APPENDIX F

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Assawompset Pond Dam City/County: Plymouth Sampling Date: 08/09/2022
 Applicant/Owner: City of Taunton Water Division State: MA Sampling Point: 3A-9
 Investigator(s): Peter Backhaus Section, Township, Range: Town of Lakeville
 Landform (hillside, terrace, etc.): Floodplain Local relief (concave, convex, none): None Slope (%): 0-1
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 41.85246 Long: -70.91947 Datum: NAD 83
 Soil Map Unit Name: Freetown muck, ponded (53A) NWI classification: PSS/PEM
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 3A</u>
Remarks: (Explain alternative procedures here or in a separate report.) Wetland 3A is the floodplain of the Nemasket River on the downstream side of the Assawompset Pond dam. At the time of observation, the area was in Level 2 - Significant Drought, per the Massachusetts Executive Office of Energy and Environmental Affairs.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)	Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input checked="" type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0-6</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0-3</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Acer rubrum</i></u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
	<u>10</u> =Total Cover		

Sapling/Shrub Stratum (Plot size: <u>15 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Viburnum dentatum</i></u>	<u>25</u>	<u>Yes</u>	<u>FAC</u>
2. <u><i>Cornus amomum</i></u>	<u>15</u>	<u>Yes</u>	<u>FACW</u>
3. <u><i>Vaccinium corymbosum</i></u>	<u>15</u>	<u>Yes</u>	<u>FACW</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
	<u>55</u> =Total Cover		

Herb Stratum (Plot size: <u>5 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Phragmites australis</i></u>	<u>35</u>	<u>Yes</u>	<u>FACW</u>
2. <u><i>Phalaris arundinacea</i></u>	<u>35</u>	<u>Yes</u>	<u>FACW</u>
3. <u><i>Juncus effusus</i></u>	<u>5</u>	<u>No</u>	<u>OBL</u>
4. <u><i>Typha latifolia</i></u>	<u>5</u>	<u>No</u>	<u>OBL</u>
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
	<u>80</u> =Total Cover		

Woody Vine Stratum (Plot size: <u>5 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
	_____ =Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 6 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>10</u>	x 1 = <u>10</u>
FACW species <u>100</u>	x 2 = <u>200</u>
FAC species <u>35</u>	x 3 = <u>105</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>145</u> (A)	<u>315</u> (B)
Prevalence Index = B/A = <u>2.17</u>	

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0¹

4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

 Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

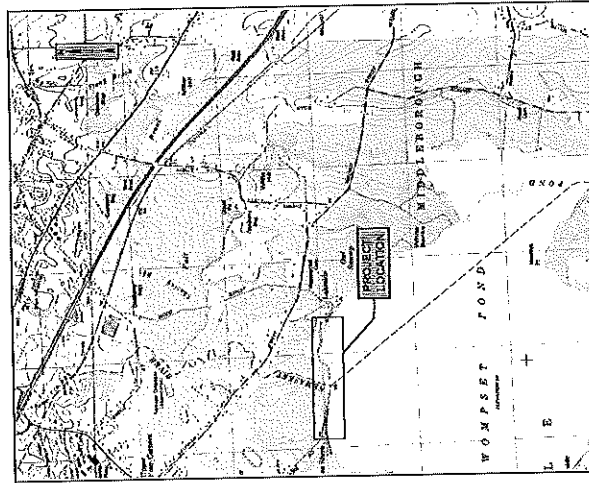
Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes No

Remarks: (Include photo numbers here or on a separate sheet.)
 Buttressed roots observed in trees rooted within the wetland

CITY OF TAUNTON, MASSACHUSETTS ASSAWOMPSET POND DAM TREE CUTTING OCTOBER 2022

LIST OF DRAWINGS	
SHEET NO.	DRAWING NO. DRAWING TITLE
1	C-001 COVER SHEET
2	C-002 GENERAL NOTES
3	C-101 TREE CLEARING PLAN - 1
4	C-102 TREE CLEARING PLAN - 2
5	C-501 DETAILS



LOCATION MAP
SCALE 1" = 200'

PREPARED BY:
Tighe & Bond
www.tigheandbond.com



RYAN P. HAYES, P.E.

PREPARED FOR:
CITY OF TAUNTON

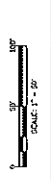
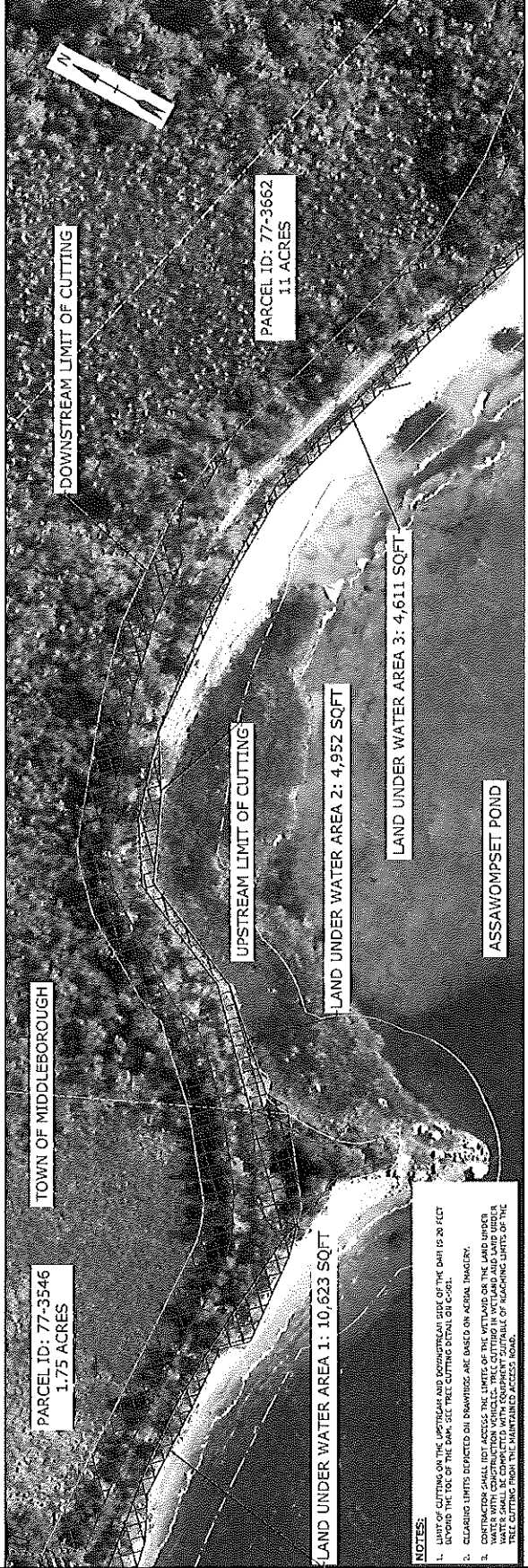
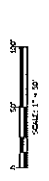
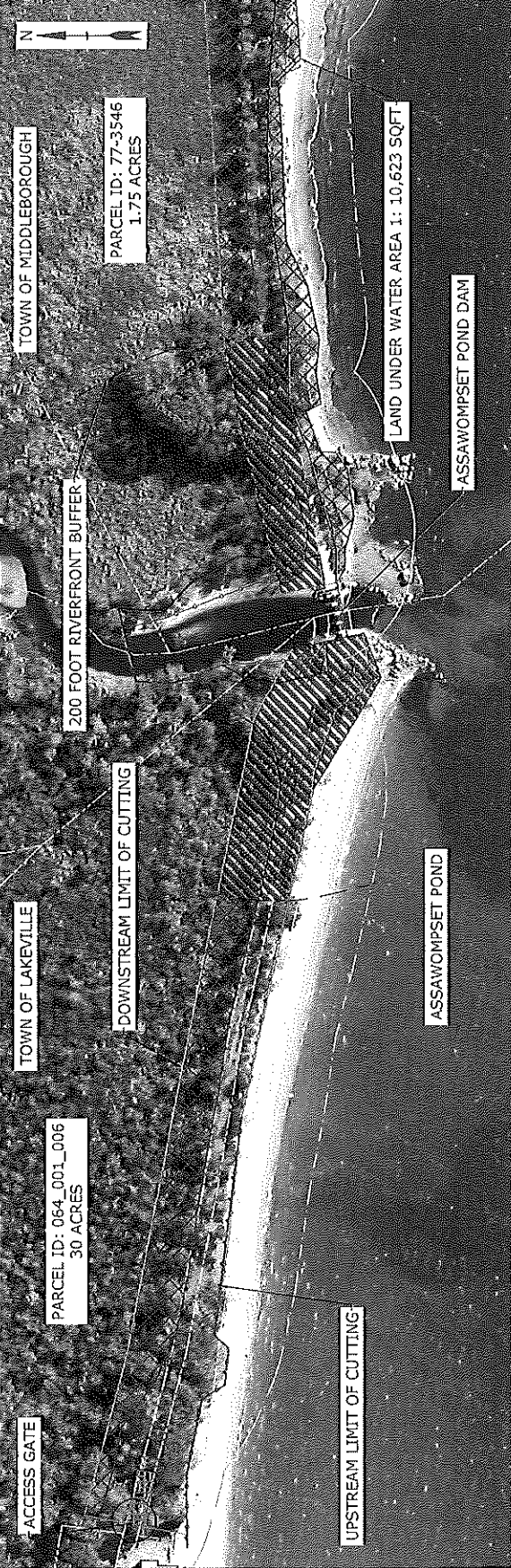
MAYOR
THOMAS C. HOYE, JR.

COMMISSIONER - DEPARTMENT OF PUBLIC WORKS
FREDERIC CORNAGLIA

ASSISTANT COMMISSIONER - DEPARTMENT OF PUBLIC WORKS
ANTHONY ABREAU

**PERMIT SET
NOT FOR CONSTRUCTION**

COMPLETE SET 5 SHEETS



NOTES:

1. LIMITS OF CUTTING ON THE UPSTREAM AND DOWNSTREAM SIDE OF THE DAM IS 50 FEET BEYOND THE TOP OF THE DAM. SEE TREE CUTTING DETAIL 201 C-001.
2. CLEARING LIMITS SHOWN ON DRAWINGS ARE BASED ON AERIAL IMAGERY.
3. CLEARING SHALL BE LIMITED TO THE LIMITS OF THE CUTTING. THE LIMITS OF THE CUTTING SHALL BE COMPLETED WITH CONSTRUCTION VEHICLES. TREE CUTTING IN WETLAND AND LAND UNDER WATER SHALL BE COMPLETED WITH APPROPRIATE CUTTING OF REACHING LIMITS OF THE TREE CUTTING FROM THE STANDARD ACCESS ROAD.

**PERMIT SET-
NOT FOR
CONSTRUCTION**

THIS DOCUMENT IS INCOMPLETE AND IS FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION PURPOSES.



Assawompset
Pond Dam Tree
Removal

City of
Taunton, MA

Taunton,
Massachusetts

PROJECT NO.	70313024
DATE:	OCTOBER 2022
FILE:	70313024 - Tree Removal (Permitting)
DRAWN:	
CHECKED:	
APPVED:	
DATE:	
SCALE:	1" = 50'



**PERMIT SET-
NOT FOR
CONSTRUCTION**

THIS DOCUMENT IS NEITHER A CONTRACT NOR A WARRANTY. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OR ARCHITECT.

Assawompset
Pond Dam Tree
Removal

City of
Taunton, MA

Taunton,
Massachusetts

PROJECT NO.	2023-0008
DATE	OCTOBER 2023
FILED/REGISTERED/STAMP	REGISTERED
APPROVED	DATE
TREE CLEARING PLAN - 2	
SCALE:	1" = 50'
SHEET 4 OF 5	

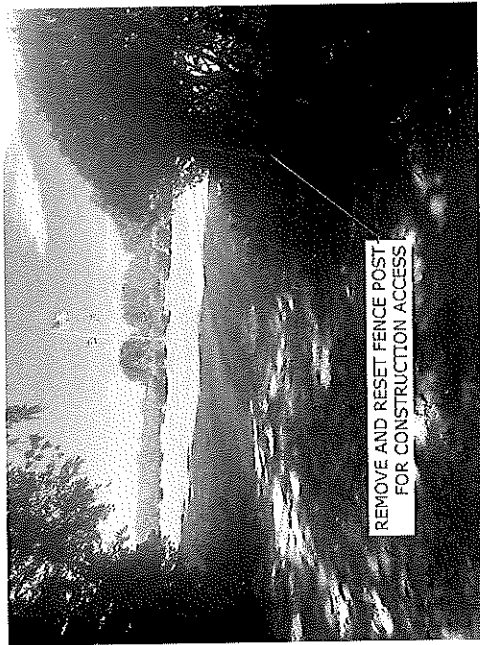
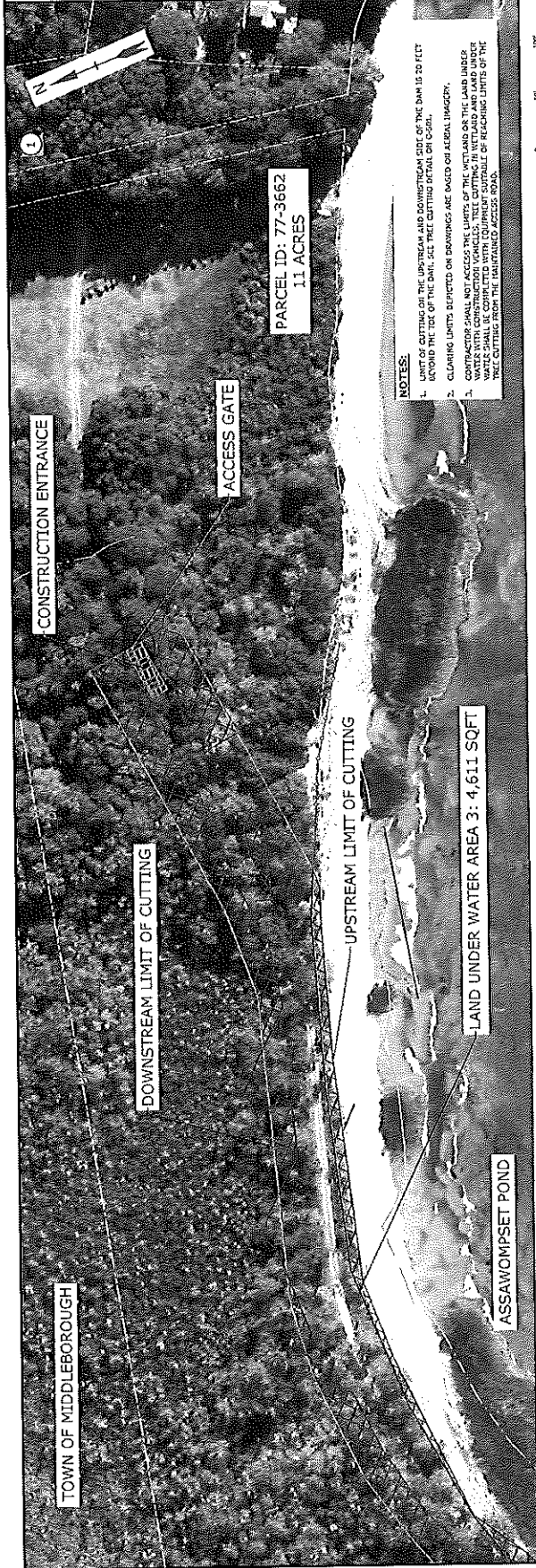


PHOTO #1



www.Outback-Eng.com

November 8, 2022

Lakeville Conservation Commission
346 Bedford Street
Lakeville MA, 02347

RE: Request for Determination of Applicability (RDA),
348-350 Bedford Street, Lakeville
Assessor's Parcels 57-01-03 and 57-01-04

Dear Commission Members,

On behalf of the applicant, Red Hand Brewing Company Inc., please find the following documents related to this RDA:

- 7 copies of the Request for Determination of Applicability application and
- 7 copies of "Red Hand Brewpub Site Plan at Lakeside Landing" dated August 25, 2022, revised 11/7/22.
- check for \$75.00 made out to the "Town of Lakeville" to cover the town filing fee.

The site is the location of Lakeside Landing consisting of 2 existing commercial buildings with a parking lot, municipal water services, and a newer Title 5 septic system installed in 2019; the property is across the street from Assowompsett Pond and has bordering vegetated wetlands that were delineated during the septic system upgrade design work in 2018 (see site plan and its General Notes 1.3 and 1.4). The applicants are proposing to convert the former savings bank building at 348 Bedford Street into a brewpub, where exterior site work is minimal and involves no land disturbance to any wetland resource areas or their buffer zones. The project generally involves renovations to the interior of the building, the construction of a small addition under the building's former drive-thru (an existing roofed structure), and placement of a fenced dumpster/wastewater holding tank, outdoor toilet facilities, and seasonal outdoor seating in a portion of the existing parking lot. All of these site features are outside the 100' buffer zone to the BVW. All disturbed areas on site will be stabilized with loam and seed once the work has been completed.

A small area along the east property line is located within the Natural Heritage and Endangered Species Program (NHESP) Priority and Estimated habitats boundary as shown on the NHESP Map in the RDA application. This habitat area has already been developed as a parking lot and landscaped area for the shopping plaza and is exempt from the requirements of a MESA review filing based on section 10.14 (3) of the endangered species act.

Should you have any questions or need further information, please do not hesitate to contact me by phone at (508) 946-9231 or email at gdrake@outback-eng.com.

Sincerely,
OUTBACK ENGINEERING, INC.

Gregory Drake, R.L.A.
Wetland Specialist

cc : DEP, Southeast
Shawn & Brian Donnelly

Request for Determination of Applicability
348 Bedford Street
Shawn & Brian Donnelly

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RDA WPA Form 1

Figure 1: MassGIS USGS Locus Map

Figure 2: MassGIS NHESP Map

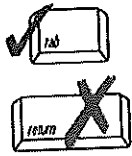


WPA Form 1 - Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:
Red Hand Brewing Company C/O Shawn & Brian Donnelly E-Mail Address
 Name
13 Quail Run
 Mailing Address
Lakeville MA 02347
 City/Town State Zip Code
 Phone Number Fax Number (if applicable)

2. Representative (if any):
Outback Engineering Inc gdrake@outback-eng.com
 Firm E-Mail Address
Gregory Drake
 Contact Name
165 East Grove Street
 Mailing Address MA 02346
 City/Town State Zip Code
508-946-9231 Fax Number (if applicable)
 Phone Number

B. Determinations

1. I request the Lakeville make the following determination(s). Check any that apply:
 Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>348 Bedford Street</u>	<u>Lakeville</u>
Street Address	City/Town
<u>57</u>	<u>04</u>
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The 3+/- acre site is the location of Lakeside Landing consisting of 2 existing commercial buildings with a parking lot, municipal water services, and a newer Title 5 septic system installed in 2019; the property is across the street from Assowompsett Pond and has bordering vegetated wetlands that were delineated during the septic system upgrade design work in 2018.

- c. Plan and/or Map Reference(s):

<u>Red Hand Brewpub Site Plan at Lakeside Landing 348 Bedford Street</u>	<u>11-7-22 (Revised)</u>
Title	Date
<u>USGS Map</u>	<u>11-4-22</u>
Title	Date
<u>NHESP Map</u>	<u>11-4-22</u>
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The applicants are proposing to convert the former savings bank building at 348 Bedford Street into a brewpub, where exterior site work is minimal and involves no land disturbance to any wetland resource areas or their buffer zones. The project generally involves renovations to the interior of the building, the construction of a small addition under the building's former drive-thru (an existing roofed structure), and placement of a fenced dumpster/wastewater holding tank, outdoor toilet facilities, and seasonal outdoor seating in a portion of the existing parking lot. All of these site features are outside the 100' buffer zone to the BVW.



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

310 CMR 10.02(3) Activities within the buffer zone which do not meet the requirements of 310 CMR 10.02(2)(b)1. and 2. are subject to preconstruction review through the filing of a Determination of Applicability to clarify jurisdiction or a Notice of Intent under the provisions of 310 CMR 10.05(4) and 10.53(1)

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

350 Bedford Street Landing, LLC

Name

168 Coltonhall Drive

Mailing Address

Portsmouth

City/Town

RI


State

02871

Zip Code

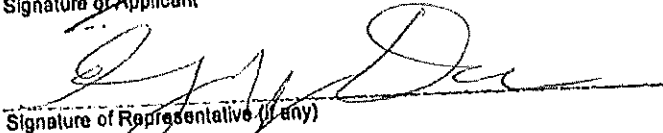
Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.


Signature of Applicant

Date

11/7/22

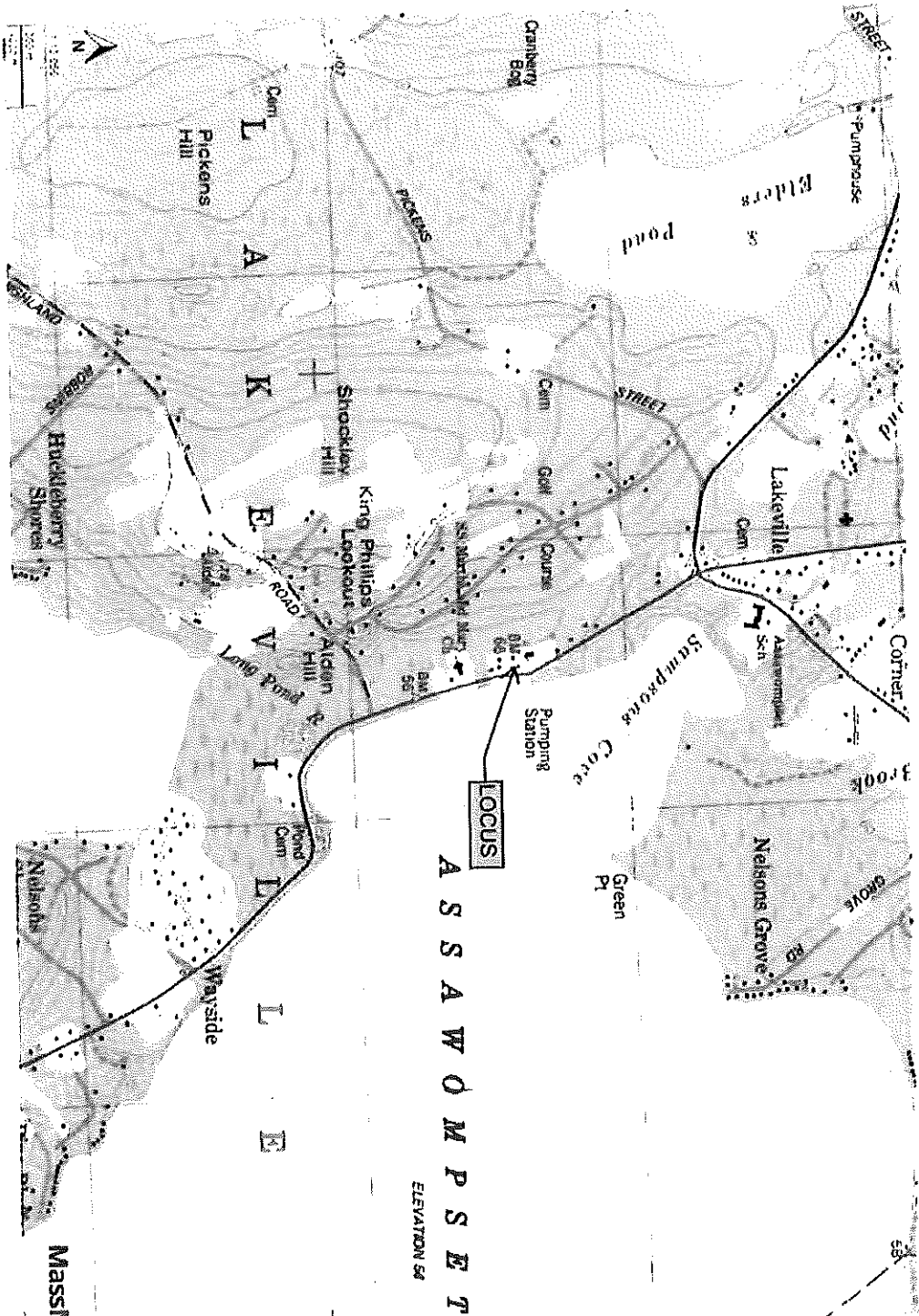

Signature of Representative (if any)

Date

11-2/22

Figure 1

MassGIS USGS Locus Map



USGS Map

ASSAWOMPSET
ELEVATION 56

USGS Topographic Maps

MassMapper

Figure 2

MassGIS NHESP Map

NHESP Map



NHESP Priority Habitats of Rare Species

NHESP Estimated Habitats of Rare Wildlife

Property Tax Parcels

MassMapper

© 2008 MassGIS



Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347
Phone: (508) 946-8823

Site Access Consent Form

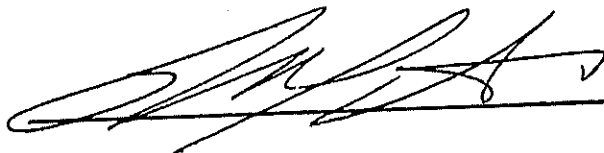
The Lakeville Conservation Commission requires specific and adequate information to make an informed decision on this filing. The Conservation Agent and/or Conservation Commissioners will need to access the property for a site visit prior to the scheduled hearing. Please indicate if you would prefer to be present and we will try to accommodate you. Lack of permission to visit the site may result in denial.

Name: Derek Savas

Project Location: 348 Bedford St.

Phone Number: 407-450-5089

Email: DerekSavas@gmail.com

Signature: 

Please be aware that prior to the start of work, the Conservation Office or the Building Commissioner must be notified via email or phone.

- Conservation Commission Office 508-946-8823 email: jcanedy@lakevillema.org
- Building Commissioner Office 508-946-8804 (to inspect erosion control)

Lori Canedy

From: Greg Drake <gdrake@outback-eng.com>
Sent: Tuesday, November 8, 2022 11:12 AM
To: Lori Canedy
Cc: Jim Pavlik
Subject: FW: RDA application and Site Plan for 348 Bedford Street Lakeville MA

FYI, Let me know if we are required to send a hard copy as well.

Greg Drake, R.L.A.

Landscape Architect
Outback Engineering, Inc.
165 East Grove Street
Middleborough, MA 02346
Phone: (508) 946-9231 x208

RECEIVED
NOV 8 2022
Conservation Commission

From: SERO_NOI (DEP) <sero_noi@state.ma.us>
Sent: Tuesday, November 8, 2022 11:09 AM
To: Greg Drake <gdrake@outback-eng.com>
Subject: RE: RDA application and Site Plan for 348 Bedford Street Lakeville MA

Thank you for using the SERO_NOI mailbox. Please be advised that this mailbox is primarily used for delivery of automated File Number Notification letters. If your e-mail requires a response, it may take several days for it to be delivered to the appropriate Wetlands' Staff person. If you require a more immediate response from that individual, please contact them directly by telephone or e-mail.



Town of Lakeville
Conservation Commission
346 Bedford St.
Lakeville, MA 02347
Phone: (508) 946-8823

RECEIVED

NOV 8 - 2022

Conservation Commission

Site Access Consent Form

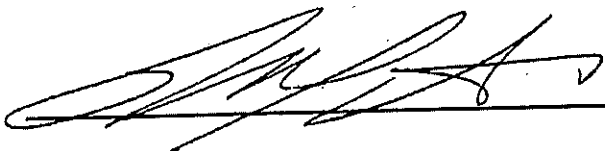
The Lakeville Conservation Commission requires specific and adequate information to make an informed decision on this filing. The Conservation Agent and/or Conservation Commissioners will need to access the property for a site visit prior to the scheduled hearing. Please indicate if you would prefer to be present and we will try to accommodate you. Lack of permission to visit the site may result in denial.

Name: Derek Savas

Project Location: 348 Bedford St.

Phone Number: 407-450-5089

Email: DerekSavas@gmail.com

Signature: 

Please be aware that prior to the start of work, the Conservation Office or the Building Commissioner must be notified via email or phone.

- Conservation Commission Office 508-946-8823 email: lcenedy@lakevillema.org
- Building Commissioner Office 508-946-8804 (to inspect erosion control)



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

RECEIVED

NOV 8 - 2022

November 8, 2022

Town of Lakeville Conservation Commission
346 Bedford Street
Lakeville, MA 02347

Conservation Commission

RE: Request for Certificate of Compliance
22 Montgomery Street (Assessors Map 18 Block 1 Lot 1A)
Lakeville, MA 02347
DEP File #SE 192-767

Dear Commission members:

The work for this order of conditions was never completed and has subsequently lapsed. We have filed a separate notice of intent for the work and an order of conditions was issued by your commission a few months back. In order to clear up the chain of title we request that you issue a Certificate of Compliance.

Should you have any questions regarding this request, please do not hesitate to contact the office at 508-947-4208 or email nyles@zcellc.com.

Sincerely,
Zenith Consulting Engineers, LLC

A handwritten signature in black ink, appearing to read 'Nyles Zager', written in a cursive style.

Nyles Zager, PE
Manager/Senior Engineer



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 192-767
 Provided by DEP

A. Project Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

David & Karen Fisher
 Name
86 Pierce Avenue
 Mailing Address
Lakeville MA 02347
 City/Town State Zip Code

 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Robert & Susan Dunn
 Applicant
March 29, 2017 SE 192-767
 Dated DEP File Number

3. The project site is located at:

22 Montgomery Street Lakeville
 Street Address City/Town
18 1 - 1A
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Dunn
 Property Owner (if different)
Plymouth 48282 232
 County Book Page

 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE 192-767
Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



Bk: 48282 Pg: 232 Page: 1 of 17
Recorded: 04/05/2017 11:56 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Robert Dunn
18 Montgomery St.
Lakeville, MA 02347-1709

[ORIGINAL]



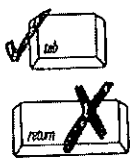
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE192-767
MassDEP File #
eDEP Transaction #
Lakeville
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: Lakeville
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
a. First Name Robert & Susan b. Last Name Dunn

c. Organization
18 Montgomery Street
d. Mailing Address
Lakeville MA 02347
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:
a. Street Address 22 Montgomery Street b. City/Town Lakeville
c. Assessors Map/Plat Number Map 18 Block 1 d. Parcel/Lot Number Lot 1A

Latitude and Longitude, if known: d. Latitude _____ e. Longitude _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Plymouth
 a. County _____ b. Certificate Number (if registered land) _____

c. Book _____ d. Page _____

7. Dates: March 15, 2017 March 28, 2017 March 29, 2017
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Plan to accompany a Notice of Intent
 a. Plan Title _____
Zenith Consulting Engineers Jamie L. Bissonnette, P.E.
 b. Prepared By c. Signed and Stamped by
3-23-17 1" = 60'
 d. Final Revision Date e. Scale _____

f. Additional Plan or Document Title _____ g. Date _____

B. Findings

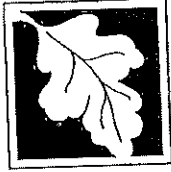
1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>848 s.f.</u> a. square feet	<u> </u> b. square feet	<u>1303 s.f.</u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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 City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:
 a. square feet of BVW _____ b. square feet of salt marsh _____
24. Stream Crossing(s):
 a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE192-767 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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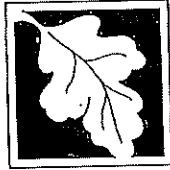
eDEP Transaction #
Lakeville
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
- 19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE192-767

MassDEP File #

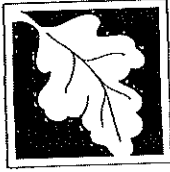
eDEP Transaction #

Lakeville

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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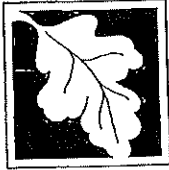
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

1. **Lakeville Conservation Commission Standard Special Conditions A & B (see attached - 3 Pages total)**
2. **The Homeowner will notify the Conservation Agent when the lot is sold**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE192-767

MassDEP File #

eDEP Transaction #

Lakeville

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



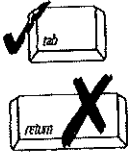
Massachusetts Department of Environmental Protection
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E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

March 29, 2017

1. Date of Issuance

Five (5)

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

[Handwritten Signature]
[Handwritten Signature]

by hand delivery on

by certified mail, return receipt requested, on

March 29, 2017

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellants.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE192-767
Provided by DEP

A. Request Information

1. Location of Project

22 Montgomery Street
a. Street Address

Lakeville, 02347
b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

SE192-767

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE192-767

Provided by DEP

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Attachment A

Standard Special Conditions

SE192-767

1. All siltation barriers must be installed and inspected by the Conservation Commission or its agent prior to the start of work.
2. This Order of Conditions must be recorded at the Plymouth County Registry of Deeds and a stamped receipt returned to the Lakeville Conservation Commission (LCC) before work begins.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC
5. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plans under cover and surrounded by a double-staked row of hay bales to prevent contact with rainwater or if no such areas are shown must be placed or stored outside all resource areas.
6. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
7. There shall be no pumping of water from wetland resource areas without prior approval from the Conservation Commission.
8. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from the wetland resource areas unless specified in this OOC.
9. No fuel, oil or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
10. There shall be no underground storage of fuel or other hazardous substances in areas within the jurisdiction of the Conservation Commission.
11. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.

Attachment B

Wetland Replication

SE192-767

1. The wetland replication shall be performed in accordance with the approved Plan of Record, including the Planting Plan dated March 23, 2017 unless specified otherwise in this Order of Conditions (OOC). The Commission reserves the right to require additional plantings to ensure achievement of 75 percent cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55 (4) (b).
2. The wetland resource areas to be altered shall not be altered until development of the replication area is in progress and the proposed replication area is excavated to the proposed base grade. The wetland replication area shall be brought to the approximate surface elevation of the existing adjacent wetland area with 12 inches of organic soil removed from the area of filling or a clean A Horizon loam.
3. Replication of vegetation shall be "in kind," i.e., generally similar to the area lost in terms of species composition, and cover and structure of dominant species, unless modified by the Commission. Only native plant species found on the site may be placed in the replacement area.
4. The Commission shall be given 48 hours notice prior to the beginning of construction of the replacement area.
5. The replication area shall be constructed in the following manner:
 - a. Prior to excavation of the proposed replication area, proposed grades shall be staked by licensed land surveyors, indicating cuts necessary to achieve grades as shown on the plans. The extent of cut should include necessary over-excavation to allow for backfill of organic or clean loam materials.
 - b. Plants from the altered wetland areas shall be transplanted in their original organic material to the replacement area. Wetland plants shall be carefully dug with attention given to the root system, balled and/or bur lapped in a professional manner, and temporarily stored in a shady area and watered on a daily basis.
 - c. The topsoil from the replication area shall be stockpiled separately from other soils for reuse in the replication area.
 - d. The area shall be excavated and graded to a depth of at least 12 inches below the proposed contours shown on the site plan.
 - e. The adjacent slopes shall be graded as shown on the plan with the topsoil again stockpiled.
 - f. All stockpiled soils shall be isolated from wetland resource areas and protected with plastic or canvas from erosion or drying.
 - g. Stockpiled organic soils shall then be placed on the replication site. (Ideally, wetland soils shall be placed in the replication area in such a way as to reproduce the original soil horizons.)
 - h. Prior to planting or seeding, final grades shall be surveyed by licensed land surveyors to ensure that grades have been achieved as shown on the plan.
 - i. The upper layer of the replacement area shall consist of soil & plants removed from the wetland to be filled, and other approved plant materials as described on a re-vegetation plan.
6. Siltation barriers shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.

7. The siltation barriers shall serve as a limit of work delineation for project activities. No disturbance to adjacent wetland resource areas resulting from work on the project shall occur during or after construction of the replication area.
8. Following construction of the replication area and prior to other work on the site, the Agent will be called for a site visit to ensure that the area has been constructed in compliance with the OOC.
9. Seasonal monitoring reports shall be prepared for each wetland replication area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e., herb, shrub, and tree layers). A total of four monitoring reports for the replication area shall be submitted over a two-year period.
10. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
11. Wetland regulation (310 CMR 10.55(4)(b)(6) requires that at least 75 percent of the surface area of the replacement area be re-established with indigenous wetland plant species within two growing seasons. If monitoring data indicates that this objective cannot be met, a corrective plan of action shall be submitted to the Commission for approval, and implemented under the supervision of a wetland specialist.
12. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from wetland alteration or replication activities.
13. The wetland restoration or replication must be done during the growing season. The growing season in Plymouth County is April 17th to October 26th.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Lakeville

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

3 Precinct Street
a. Street Address

Lakeville
b. City/Town

02347
c. Zip Code

Latitude and Longitude:
41d 50' 44" N
d. Latitude

70d 57' 03" W
e. Longitude

030/004
f. Assessors Map/Plat Number

002
g. Parcel /Lot Number

RECEIVED

NOV 8 - 2022

2. Applicant:

Lakeville United Church of Christ
c. Organization

Conservation Commission

3 Precinct Street
d. Street Address

Lakeville
e. City/Town

MA
f. State

02347
g. Zip Code

h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name b. Last Name

c. Organization

d. Street Address

e. City/Town f. State g. Zip Code

h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Nyles
a. First Name

Zager, PE
b. Last Name

Zenith Consulting Engineers, LLC.
c. Company

3 Main Street
d. Street Address

Lakeville
e. City/Town

MA
f. State

02347
g. Zip Code

508-947-4208
h. Phone Number

nyles@zcellc.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$165.00 & \$75.00
a. Total Fee Paid

\$70.00
b. State Fee Paid

\$95.00 & 75.00
c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information (continued)

6. General Project Description:

Construction of a septic system with a new 1500 gallon septic tank, 1000 gallon pump chamber and 36 infiltrator quick-4 plastic chambers within 100' of a wetland bordering a tributary to a surface water supply and within 200' of a perennial stream which is a tributary to a surface water supply. Also included is the removal/decommission of the existing septic system onsite.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Plymouth

a. County

3602

c. Book

b. Certificate # (if registered land)

494

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____
<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input checked="" type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		172,966 square feet
4. Proposed alteration of the Riverfront Area:		
7400 a. total square feet	1700 b. square feet within 100 ft.	5700 c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analysis been done and is it attached to this NOI?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Was the lot where the activity is proposed created prior to August 1, 1996?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> Coastal Resource Areas: (See 310 CMR 10.25-10.35)		

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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Provided by MassDEP:

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. Restoration/Enhancement
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

_____ a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

_____ a. number of new stream crossings _____ b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
 Division of Fisheries and Wildlife
 1 Rabbit Hill Road
 Westborough, MA 01581

8/2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____ percentage/acreage

(b) outside Resource Area _____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
 Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. Separate MESA review completed.
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 1213 Purchase Street – 3rd Floor
 New Bedford, MA 02740-6694
 Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection
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Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

 MassDEP File Number

 Document Transaction Number
 Lakeville
 City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Subsurface Sewage Disposal System Upgrade
 a. Plan Title
Zenith Consulting Engineers, LLC.
 b. Prepared By
11/8/2022
 d. Final Revision Date
Nyles Zager, P.E.
 c. Signed and Stamped by
1"=20'
 e. Scale

 f. Additional Plan or Document Title

 g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

4339
 2. Municipal Check Number
4340
 4. State Check Number
Zenith Consulting Engineers LLC
 6. Payor name on check: First Name
11-8-22
 3. Check date
11-8-22
 5. Check date

 7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Lakeville

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Handwritten signature]
 1. Signature of Applicant

11-8-22

2. Date

3. Signature of Property Owner (if different)

4. Date

11-8-22

[Handwritten signature]
 5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

3 Precinct Street

a. Street Address

4340

c. Check number

Lakeville

b. City/Town

\$70.00

d. Fee amount

2. Applicant Mailing Address:

a. First Name

Lakeville United Church of Christ

c. Organization

3 Precinct Street

d. Mailing Address

Lakeville

e. City/Town

b. Last Name

MA

f. State

02347

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. *Please see Instructions before filling out worksheet.*

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1 (Septic System Repair)	1	\$110.00 x 1.5	\$165.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$165.00
Step 6/Fee Payments:			
Total Project Fee:			\$165.00
State share of filing Fee:			a. Total Fee from Step 5 \$70.00
City/Town share of filing Fee:			b. 1/2 Total Fee less \$12.50 \$95.00 & 75.00
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

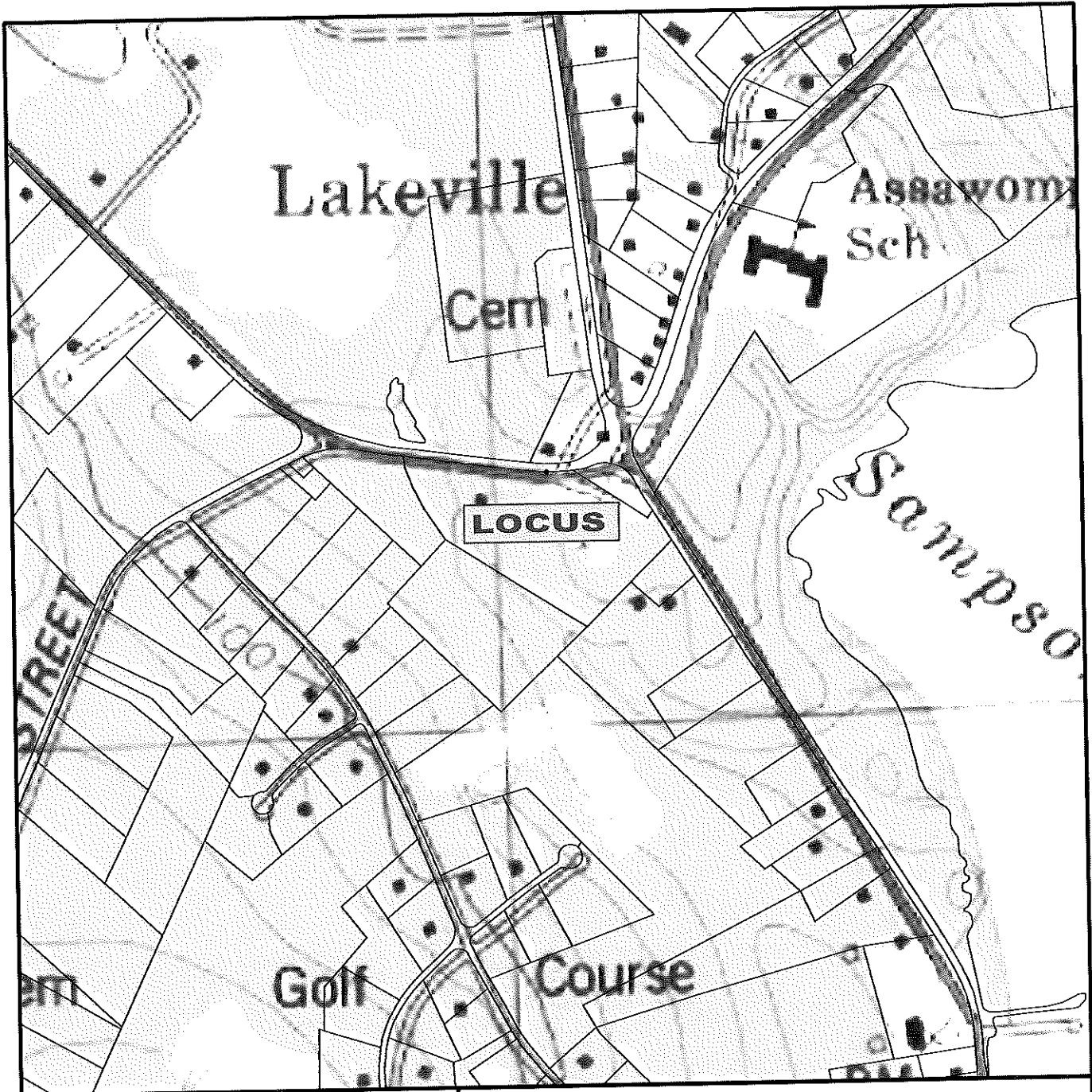
To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Locus: 3 Precinct Street. in Lakeville, MA
Assessors Map 030 Block 004 Lot 002

Notice of Intent Attachments

- 1 USGS Map
- 2 Abutters List with Assessors Map
- 3 Notification to Abutters
- 4 Massachusetts Natural Heritage Map
- 5 Firm Map
- 6 Area of Critical Environmental Concern Map
- 7 Outstanding Resource Water Map
- 8 Riverfront Alternatives Analysis
- 9 Copies of Checks

USGS Map



SHEET NAME:

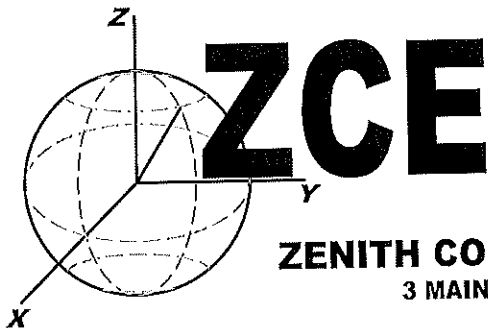
USGS MAP

PROJECT SITE:

**3 PRECINCT STREET
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**LAKEVILLE UNITED CHURCH OF CHRIST
3 PRECINCT STREET LAKEVILLE, MA 02347**



ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

Abutters List with Assessors Map



100 foot Abutters List Report

Lakeville, MA
November 08, 2022

Subject Property:

Parcel Number: 030-004-002
CAMA Number: 030-004-002
Property Address: 1 PRECINCT ST

Mailing Address: LAKEVILLE UNITED CHURCH
1 PRECINCT ST
LAKEVILLE, MA 02347

Abutters:

Parcel Number: 027-002-028
CAMA Number: 027-002-028
Property Address: 28 PRECINCT ST

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 030-004-001
CAMA Number: 030-004-001
Property Address: DICKRAN DIRAN SQ

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003
Property Address: 5-7 PRECINCT ST

Mailing Address: PRECINCT ST LLC
5-7 PRECINCT ST
LAKEVILLE, MA 02347-

Parcel Number: 030-004-003
CAMA Number: 030-004-003A
Property Address: 5-7 PRECINCT ST #1

Mailing Address: ROBERT J GAGNON & PATRICIA A
SILVIA LAKEVILLE FAMILY MEDICINE
PC
5 PRECINCT ST UNIT 1
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003B
Property Address: 5-7 PRECINCT ST #3

Mailing Address: PETER J & JULIA E ST YVES
3 FIELDSTONE DR
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003C
Property Address: 5-7 PRECINCT ST #4

Mailing Address: PRECINCT ST LLC
5-7 PRECINCT ST UNIT 4
LAKEVILLE, MA 02347

Parcel Number: 030-004-011
CAMA Number: 030-004-011
Property Address: OLD POWDER HOUSE RD

Mailing Address: TAUNTON CITY WATER DEPARTMENT
90 INGELL ST
TAUNTON, MA 02780

Parcel Number: 030-005-001
CAMA Number: 030-005-001
Property Address: 2 PRECINCT ST

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 057-001-013
CAMA Number: 057-001-013
Property Address: 330 BEDFORD ST

Mailing Address: GUNATIT KRUPA LLC
2 POND ST
MENDON, MA 01756

Parcel Number: 057-001-014
CAMA Number: 057-001-014
Property Address: 328 BEDFORD ST

Mailing Address: LRG-DWG LLC
54 SPROAT ST
MIDDLEBORO, MA 02346



Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/8/2022

Page 1 of 2



100 foot Abutters List Report

Lakeville, MA
November 08, 2022

Parcel Number: 057-004-015
CAMA Number: 057-004-015
Property Address: 232 MAIN ST

Parcel Number: 057-004-016
CAMA Number: 057-004-016
Property Address: BEDFORD ST

Mailing Address: LAKEVILLE TOWN OF ASSAWOMPSETT
SCHOOL
346 BEDFORD ST
LAKEVILLE, MA 02347

Mailing Address: TAUNTON CITY WATER DEPARTMENT
90 INGELL ST
TAUNTON, MA 02780



www.cai-tech.com

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11/8/2022

Page 2 of 2

Abutters List Report - Lakeville, MA

Notification to Abutters

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is **Lakeville United Church of Christ**
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of **Lakeville, Massachusetts** Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 1331, Section 40).
- C. The address of the lot where the activity is proposed is **3 Precinct Street, Lakeville, Massachusetts (Assessors Map 030, Block 004, Lot 002)**.
- D. Copies of the Notice of Intent may be examined at **Lakeville Conservation Commission, 346 Bedford Street, Lakeville, MA 02347 by appointment. For more information, call: (508) 946-8823.**

Check One: This is the applicant , representative , or other , (specify):
Conservation Commission

Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (508) 947-4208 between the hours of 9 and 3 on the following days of the week: Monday - Friday.

Information regarding the date, time, and place of the public hearing may be obtained from **Lakeville Conservation Commission** by calling this telephone number **(508) 946-8823 between the hours of 9:00 - 4:00 Monday - Friday**.

Check one: This is the applicant , representative , or other (specify):
Conservation Commission.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Nemasket Week.

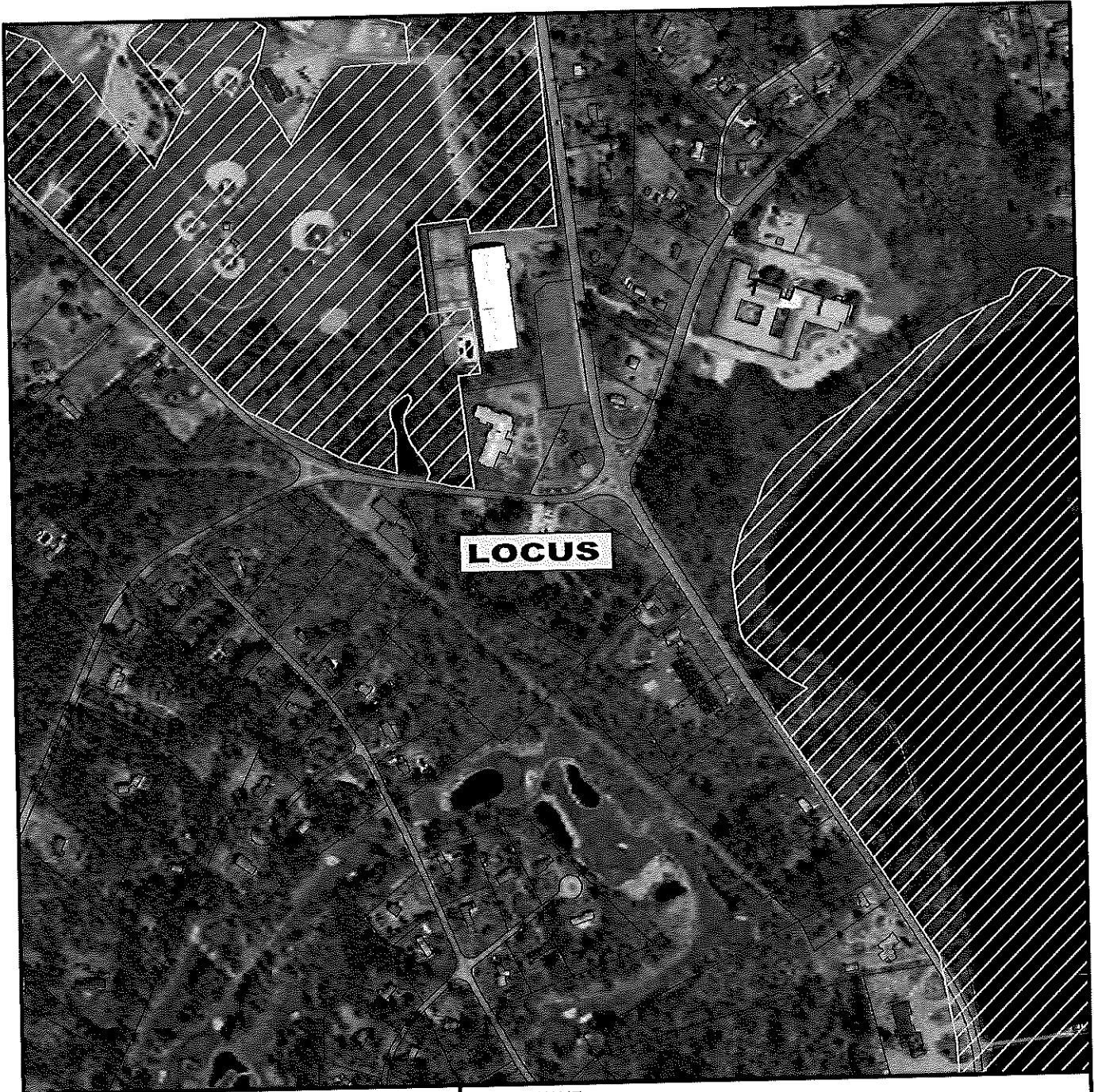
NOTE: Notice of the public hearing, including its date, time and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this publication or the Wetlands Protection Act. To contact DEP, call:

Central Region: (508) 792-7650
Southeast Region: (508) 946-2700

Northeast Region: (617) 932-7600
Western Region: (413) 784-1100

Massachusetts Natural Heritage Atlas



SHEET NAME:

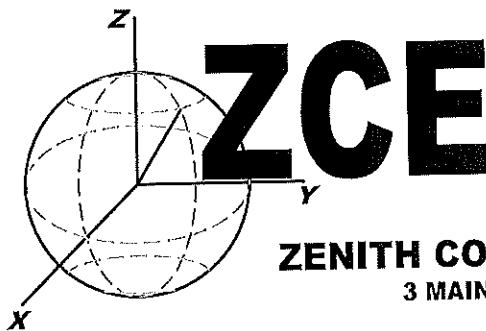
NHESP MAP (8/2021)

PROJECT SITE:

**3 PRECINCT STREET
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**LAKEVILLE UNITED CHURCH OF CHRIST
3 PRECINCT STREET LAKEVILLE, MA 02347**



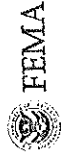
ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

Firm Map

National Flood Hazard Layer FIRMette



70°57'18"W 41°50'56"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
	NO SCREEN
	Area of Minimal Flood Hazard Zone X Effective LOMRs
	Area of Undetermined Flood Hazard Zone O
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

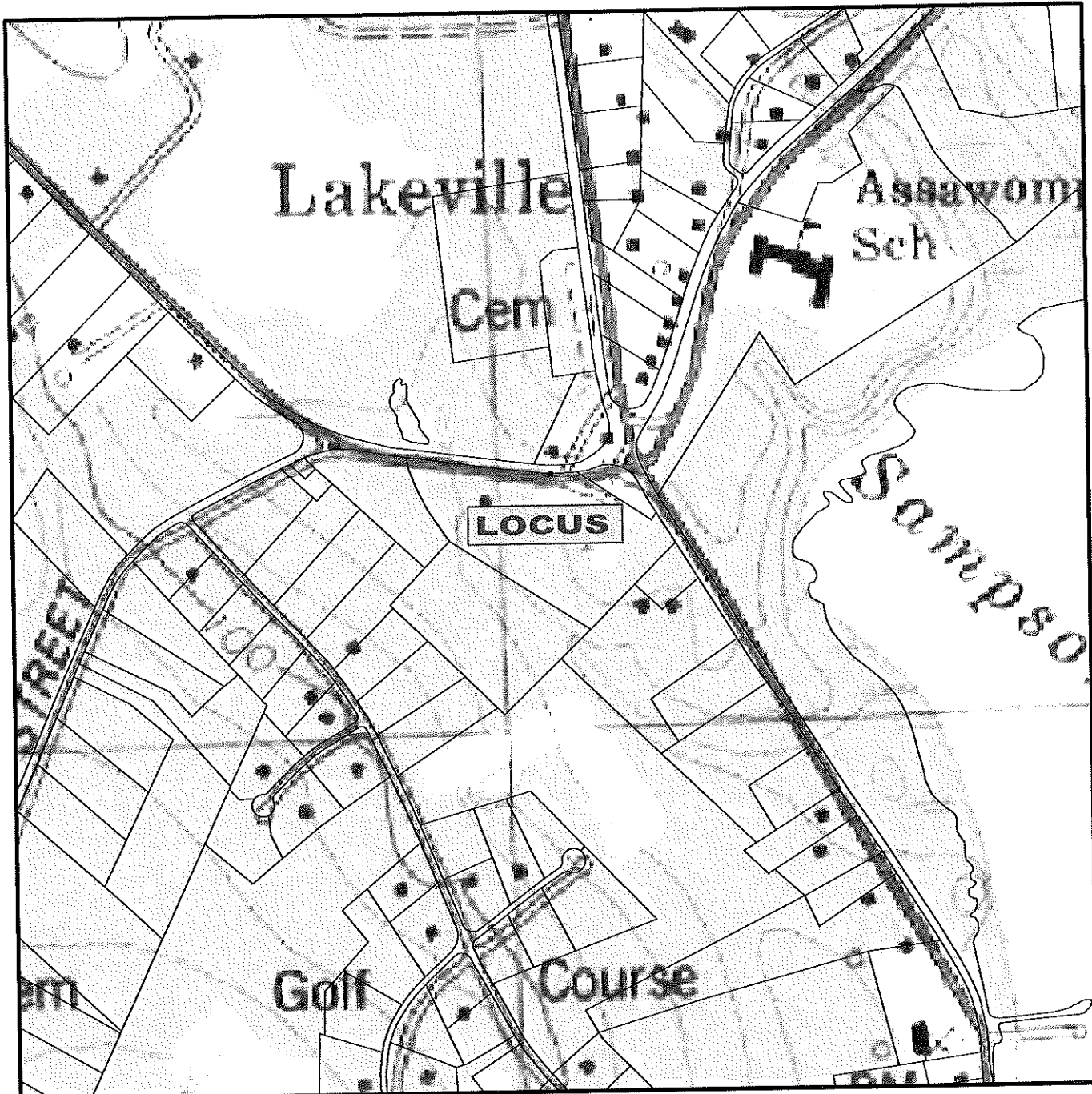
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/6/2022 at 8:06 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Area of Critical Environmental Concern Map



SHEET NAME:

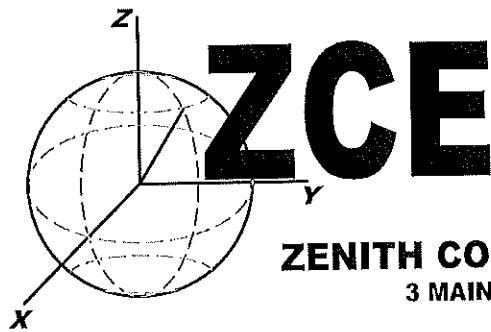
ACEC MAP

PROJECT SITE:

**3 PRECINCT STREET
LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:

**LAKEVILLE UNITED CHURCH OF CHRIST
3 PRECINCT STREET LAKEVILLE, MA 02347**

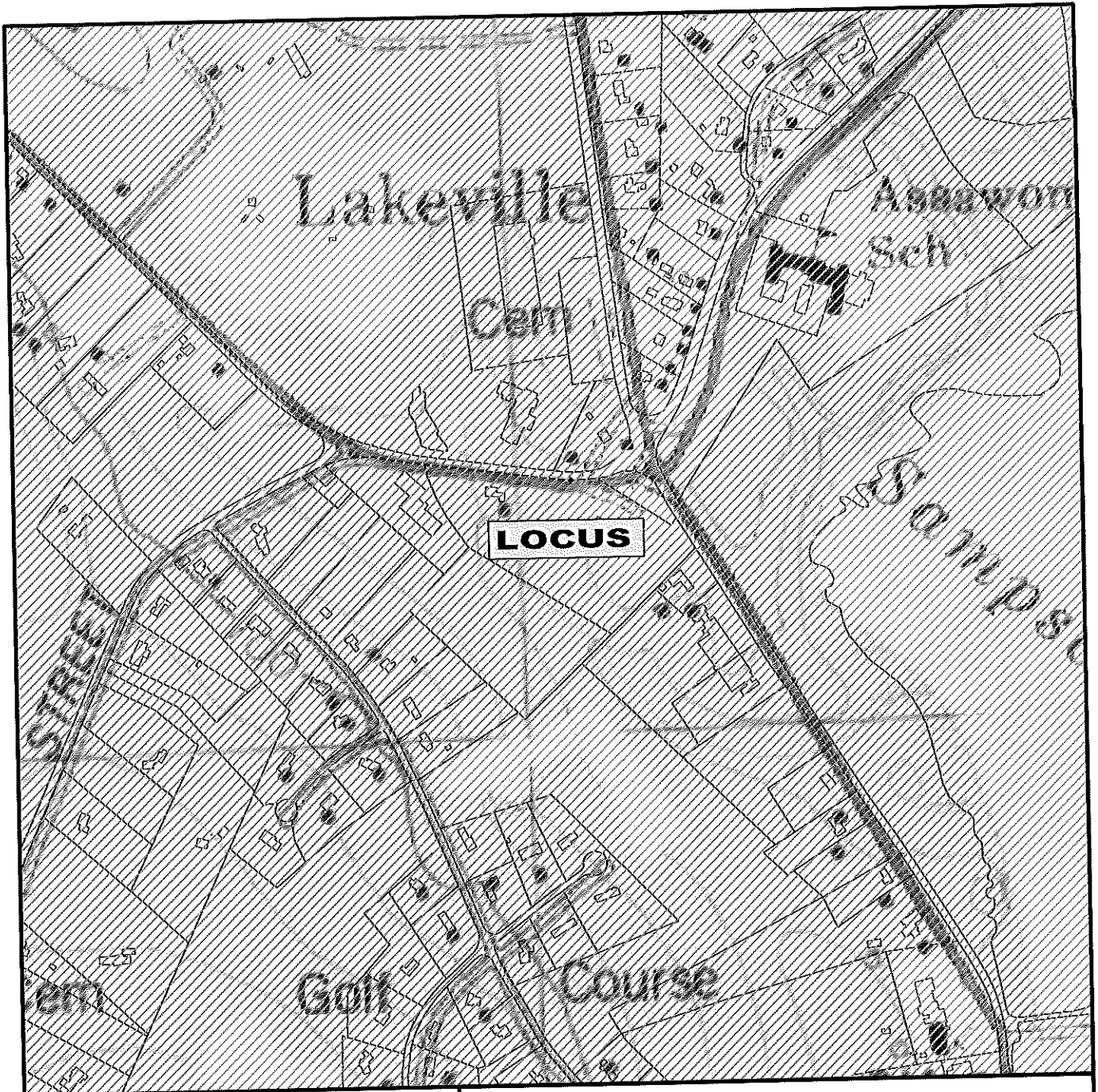


ZENITH CONSULTING ENGINEERS, LLC

3 MAIN STREET LAKEVILLE, MA 02347

PHONE: (508) 947-4208

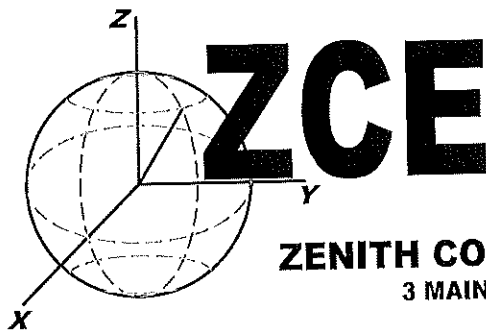
Outstanding Resource Water Map



SHEET NAME:
OUTSTANDING RESOURCE WATER MAP

PROJECT SITE:
**3 PRECINCT STREET
 LAKEVILLE, MASSACHUSETTS**

CLIENT INFO:
**LAKEVILLE UNITED CHURCH OF CHRIST
 3 PRECINCT STREET LAKEVILLE, MA 02347**



ZENITH CONSULTING ENGINEERS, LLC
 3 MAIN STREET LAKEVILLE, MA 02347
 PHONE: (508) 947-4208

Riverfront Alternatives Analysis

**Riverfront Alternatives Analysis
For a Notice of Intent Filing
Site: 3 Precinct Street, Lakeville, MA**

1.0 Introduction

The project site is located at 3 Precinct Street in Lakeville, MA and is shown as Block 4 Lot 2 on Assessor's Map 30. The total area of the site is 246,465 sf, of which approximately 7,400 sf are proposed for development. Wetlands resource areas are located to the west and south of the development area on the site. An unnamed River is located to the west of the property.

The proposed project is a septic repair. The total area of the 200 foot riparian zone associated with the perennial stream on the property is 172,966 square feet. The proposed project is designed with 7,400 square feet of disturbance in the riparian zone. It should be noted that the entire area of disturbance is located within an existing landscaped/degraded area.

The Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58(4)(c)) state that there must be no practicable and substantially equivalent economic alternatives to the project with less adverse effects on the riverfront area. As such, an alternatives analysis is required. This analysis is intended to fulfill that requirement.

2.0 Alternative One

The first alternative is to examine if there is any other parcel of land owned or controlled by the applicant upon which a similar development could be constructed. The applicant does not own or control any such parcel upon which a similar development could be constructed. Alternative One is not an option.

3.0 Alternative Two

The second alternative includes examining whether there is any other land available for purchase with similar zoning upon which a similar development could be permitted and constructed. At the time that the applicant agreed to purchase the subject parcels of land, there were no other parcels available for purchase for a similar development. Alternative Two is not an option.

4.0 Alternative Three

The third alternative is to examine the possibility of permitting and constructing this project elsewhere on the same parcel of land. In order to construct the septic system and to meet current Title 5 regulations, the system had to be placed in the position shown. Accordingly, this option is not preferred.

5.0 Conclusion

Due to the conclusions drawn from all of the analyses listed above, it was determined that the only available practicable and substantially equivalent economic alternative is the project that is being proposed. The other alternatives were either not available to the applicant or would cause more adverse effects on the wetlands. Great care was used in making design decisions that would cause the least amount of impact to the area.

Copies of Checks

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Rockland Trust Company
63-447/113

4339

Zenith Consulting Engineers, LLC.
3 Main Street
Lakeville, MA 02347-1617

11/08/2022

PAY TO THE ORDER OF Town of Lakeville

\$*95.00

Ninety-five and 00/100*****

DOLLARS

PROTECTED AGAINST FRAUD



Town of Lakeville
Town Office Building
346 Bedford St.
Lakeville, MA 02347



[Signature]



MEMO 3 Precinct St.



CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Rockland Trust Company
63-447/113

4340

Zenith Consulting Engineers, LLC.
3 Main Street
Lakeville, MA 02347-1617

11/08/2022

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$*70.00

Seventy and 00/100*****

DOLLARS

PROTECTED AGAINST FRAUD



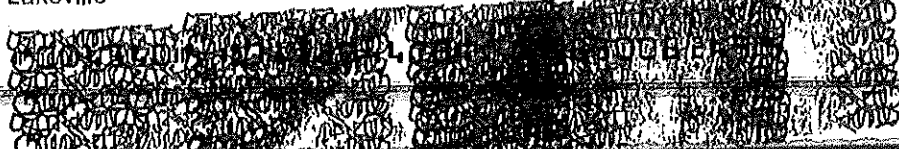
Commonwealth of Massachusetts



[Signature]



MEMO 3 Precinct St., Lakeville



CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Rockland Trust Company
63-447/113

4341

Zenith Consulting Engineers, LLC.
3 Main Street
Lakeville, MA 02347-1617

11/08/2022

PAY TO THE ORDER OF Town of Lakeville

\$**75.00

Seventy-five and 00/100*****

DOLLARS

PROTECTED AGAINST FRAUD



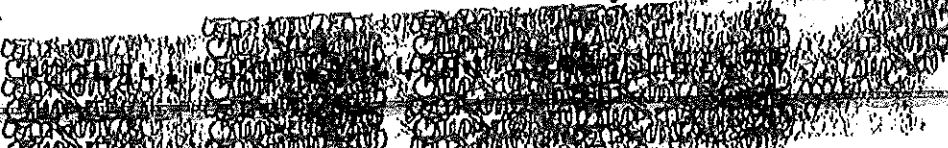
Town of Lakeville
Town Office Building
346 Bedford St.
Lakeville, MA 02347



[Signature]



MEMO 3 Precinct St.



Details on Back Intuit® CheckLock™ Secure Check





100 foot Abutters List Report

Lakeville, MA
November 10, 2022

Subject Property:

Parcel Number: 030-004-002
CAMA Number: 030-004-002
Property Address: 1 PRECINCT ST

1-3

Mailing Address: LAKEVILLE UNITED CHURCH
1 PRECINCT ST
LAKEVILLE, MA 02347

Abutters:

Parcel Number: 027-002-028
CAMA Number: 027-002-028
Property Address: 28 PRECINCT ST

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 030-004-001
CAMA Number: 030-004-001
Property Address: DICKRAN DIRAN SQ

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003
Property Address: 5-7 PRECINCT ST

Mailing Address: PRECINCT ST LLC
5-7 PRECINCT ST
LAKEVILLE, MA 02347-

Parcel Number: 030-004-003
CAMA Number: 030-004-003A
Property Address: 5-7 PRECINCT ST #1

Mailing Address: ROBERT J GAGNON & PATRICIA A
SILVIA LAKEVILLE FAMILY MEDICINE
PC
5 PRECINCT ST UNIT 1
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003B
Property Address: 5-7 PRECINCT ST #3

Mailing Address: PETER J & JULIA E ST YVES
3 FIELDSTONE DR
LAKEVILLE, MA 02347

Parcel Number: 030-004-003
CAMA Number: 030-004-003C
Property Address: 5-7 PRECINCT ST #4

Mailing Address: PRECINCT ST LLC
5-7 PRECINCT ST UNIT 4
LAKEVILLE, MA 02347

Parcel Number: 030-004-011
CAMA Number: 030-004-011
Property Address: OLD POWDER HOUSE RD

Mailing Address: TAUNTON CITY WATER DEPARTMENT
90 INGELL ST
TAUNTON, MA 02780

Parcel Number: 030-005-001
CAMA Number: 030-005-001
Property Address: 2 PRECINCT ST

Mailing Address: LAKEVILLE TOWN OF
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 057-001-013
CAMA Number: 057-001-013
Property Address: 330 BEDFORD ST

Mailing Address: GUNATIT KRUPA LLC
2 POND ST
MENDON, MA 01756

Parcel Number: 057-001-014
CAMA Number: 057-001-014
Property Address: 328 BEDFORD ST

Mailing Address: LRG-DWG LLC
54 SPROAT ST
MIDDLEBORO, MA 02346

www.cal-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/10/2022

Page 1 of 2



100 foot Abutters List Report

Lakeville, MA
November 10, 2022

Parcel Number: 057-004-015
CAMA Number: 057-004-015
Property Address: 232 MAIN ST

Mailing Address: LAKEVILLE TOWN OF ASSAWOMPSETT
SCHOOL
346 BEDFORD ST
LAKEVILLE, MA 02347

Parcel Number: 057-004-016
CAMA Number: 057-004-016
Property Address: BEDFORD ST

Mailing Address: TAUNTON CITY WATER DEPARTMENT
90 INGELL ST
TAUNTON, MA 02780



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

RECEIVED

NOV 10 2022

Conservation Commission

November 10, 2022

Town of Lakeville
346 Bedford Street
Lakeville, MA 02347
Attention Conservation Commission

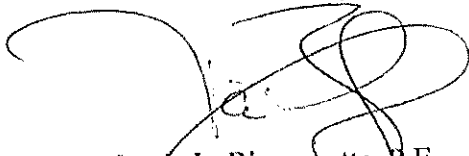
**RE: Lot 29 & 33 Riverside Drive, Lakeville, MA
Certificate of Compliance Request
(DEP File Number SE-192-0805)**

Dear Commission Members:

In 2018, an order of conditions was issued for 29 and 33 Riverside Drive in Lakeville. On October 31st of 2022 a site visit was conducted by Robert Bouchard the Lakeville Conservation Agent and myself. We observed the site to be stabilized and constructed in substantial compliance with the order of conditions. We are respectfully requesting a certificate of compliance for this site.

Should you have any questions regarding this request, please do not hesitate to contact the office at 508-947-4208 or email jamie@zcellc.com.

Sincerely,
Zenith Consulting Engineers, LLC



Jamie L. Bissonnette, P.E.
Manager/Senior Engineer



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 SE192-0805
 Provided by DEP

A. Project Information

RECEIVED

NOV 10 2022

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Riverside Lakeville LLC.
 Name
 1 Lakeville Business Park Drive Conservation Commission
 Mailing Address
 Lakeville MA 02347
 City/Town State Zip Code
 508-946-6953
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Riverside Lakeville LLC.
 Applicant
 06-19-2018 SE-192-0805
 Dated DEP File Number

3. The project site is located at:

Lot 29 and 33 Riverside Drive Lakeville
 Street Address City/Town
 Map 062 Lots 0007H and 010K
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
 Plymouth 50018 181
 County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

*** Electronic Recording ***
Doc#: 00054015
Bk: 50018 Pg: 181 Page: 1 of 13
Recorded: 07/09/2018 01:51 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

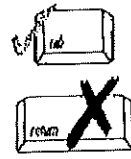
Provided by MassDEP:
SE 192-0805
MassDEP File #
eDEP Transaction #
Lakeville
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

1. From: Lakeville
Conservation Commission
2. This Issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



a. First Name Riverside Lakeville LLC b. Last Name _____
c. Organization
d. Mailing Address 1 Lakeville Business Park Drive
e. City/Town Lakeville f. State MA g. Zip Code 02347

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
c. Organization Canpro Investment Ltd.
d. Mailing Address 10 Riverside Drive, Suite 101
e. City/Town Lakeville f. State MA g. Zip Code 02347

5. Project Location:

a. Street Address Lot 29 and 33 Riverside Drive b. City/Town Lakeville
c. Assessor's Map/Plat Number Map 062 d. Parcel/Lot Number Lots 0007H and 010K
Latitude and Longitude, if known: _____
d. Latitude _____ e. Longitude _____



Massachusetts Department of Environmental Protection
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Provided by MassDEP:
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Plymouth
 a. County
10860
 c. Book
 b. Certificate Number (if registered land)
69
 d. Page
 7. Dates: 04-02-2018 a. Date Notice of Intent Filed 06.12.2018 b. Date Public Hearing Closed 06.19.2018 c. Date of Issuance
 8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Plan to Accompany a Notice of Intent for 29 and 33 Riverside Drive
 a. Plan Title
Zenith Consulting Engineers
 b. Prepared By
3/3/2018
 d. Final Revision Date
Jamie Bissonnette, PE
 c. Signed and Stamped by
1" = 30'
 e. Scale
 f. Additional Plan or Document Title
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or Inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 06.19.2021 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE 192-0805 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls if may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attachment A

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The _____ hereby finds (check one that applies):
Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

Please indicate the number of members who will sign this form.

2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Robert J. Bouchard

Kathleen Rolien
Cynthia Conedy

Joseph Aronulain

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE 192-0805
 MassDEP File #

eDEP Transaction # _____
 Lakeville
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

 1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures: _____

by hand delivery on

by certified mail, return receipt requested, on

 Date

 Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

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The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 192-0805
MassDEP File #

eDEP Transaction #
Lakeville
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Lakeville
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Lakeville
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location SE-192-0805
MassDEP File Number

Has been recorded at the Registry of Deeds of:

County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

RECEIVED

NOV 14 2022

Conservation Commission

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

City/Town

Lakeville

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. Applicant:

Name Amy Bastlier

E-Mail Address debastlier@comcast.net

Mailing Address 3 Cottage Lane

Lakeville
City/Town

State MA

Zip Code 02347

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm Michael P. O'Shaughnessy

Contact Name Michael

E-Mail Address Mike@mpoesg.com

Mailing Address E Grove Street

Middleboro
City/Town

State MA

Zip Code 02346

Phone Number 508 947-9170

Fax Number (if applicable) 508-947-9130

B. Determinations

1. I request the

Conservation Commission

make the following determination(s). Check any that apply:

a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Cottage Lane Street Address	Right of Way	City/Town	Laverille
Assessors Map/Plat Number	Parcel/Lot Number		

b. Area Description (use additional paper, if necessary):

c. Plan and/or Map Reference(s):

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The work plan is to rebuild a wooden deck on the end of our deeded right of way. The previous wooden deck was removed in September 2001, built in 1991. The dimensions are slightly smaller than the previous wooden deck. Please see attached wooden deck rebuild dimensions.

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

Single family house on a lot recorded on or before 8/1/96

Single family house on a lot recorded after 8/1/96

Expansion of an existing structure on a lot recorded after 8/1/96

Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96

New agriculture or aquaculture project

Public project where funds were appropriated prior to 8/7/96

Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision

Residential subdivision; institutional, industrial, or commercial project

Municipal project

District, county, state, or federal government project

Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a

404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name Amy Boutilier

Mailing Address 3 Cottage Lane

City/Town Lakeville

State MA

Zip Code 00347

Signatures:

Amy Boutilier

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Amy Boutilier

Date

11/5/02

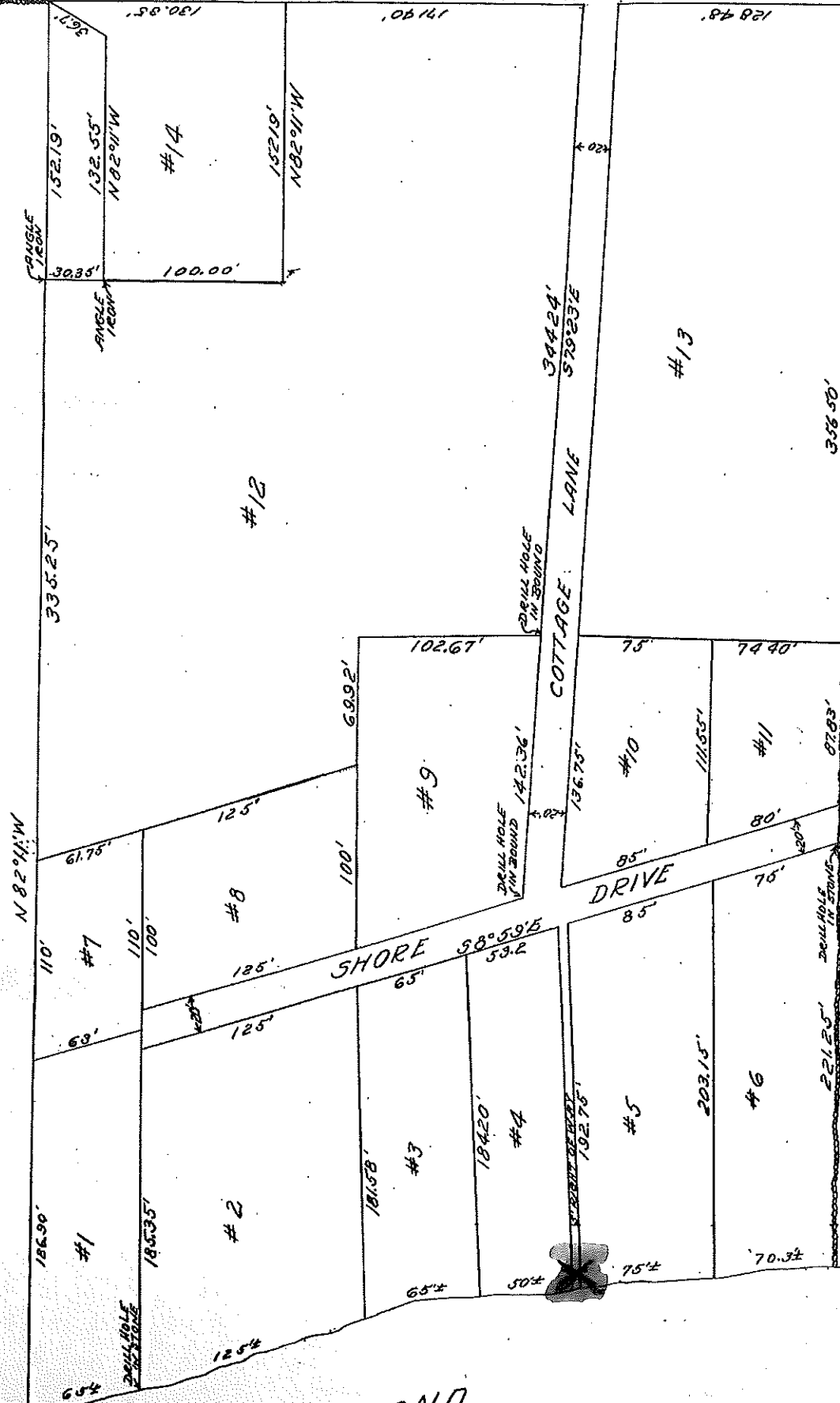
Signature of Representative (if any)

Date

Magnetic North
1938

LAKESIDE AVE.
ROUTE 18

N79°45'E

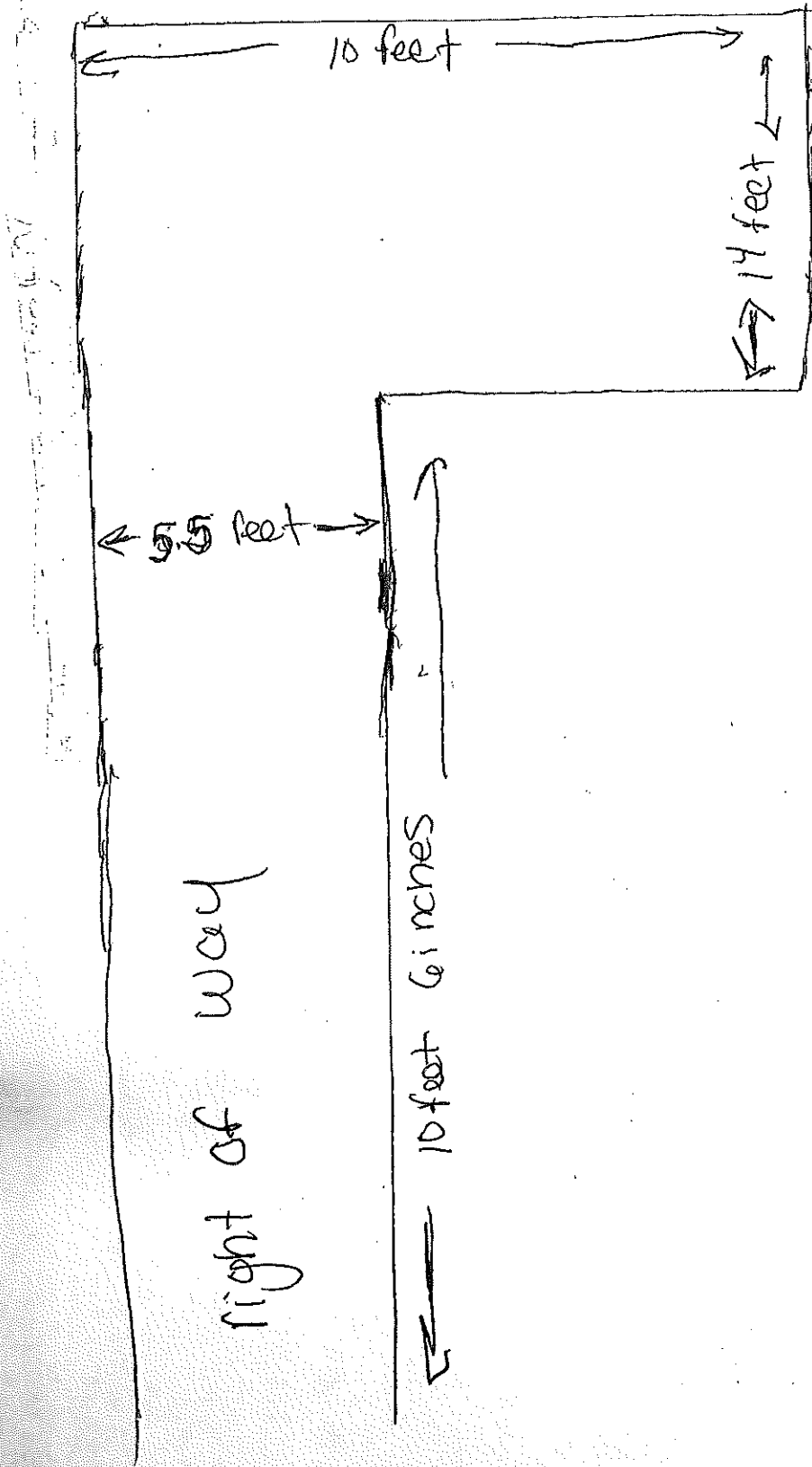


SUBDIVISION OF LAND
 NOW OR FORMERLY OWNED BY
 EDWARD W. GOODHUE
 LAKEVILLE - MASS.
 SCALE 1" = 40' ~ MAY 31, 1938
 PLAN MADE BY
 BIRNBAUM & MARSHALL
 Surveyors

JUN 1 1938
 RECORDED

LONG POND

long Pond



Town of Lakeville
Conservation Commission
August 23, 2022 at 7pm

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

19 North Precinct St. - RDA, Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. Certified mail receipts were handed in to the Commission. Mr. Bissonnette said this is for a repair/upgrade of an existing septic system for a single-family dwelling. The new system will be located in the front of the dwelling. The septic tank will be replaced with a new two-compartment tank as required. There are wetlands on both sides of the property and the rear. They have chosen the front-middle of the property to create the least amount of impact and still maintain separation distances to the on-site well. This septic design was approved by the Board of Health with a 1' water table reduction. The members agreed this was the best location for the system and it was as far away from the resource areas as you can get.

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

Voted: to issue a Negative 3 determination with condition that the Agent be called to inspect the hay bale line.

Unanimous approval.

147 Staples Shore Rd. - NOI, Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. Mr. Bissonnette said there was an issue with the notification to abutters. When they received the certified abutters list, two abutters to the north were inadvertently left off. They have since been notified, but in his opinion have not had proper time to receive notice and attend the meeting. They would like to ask for a continuance to the next available meeting. Member Chamberlain opened the hearing.

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

Voted: at the request of the representative, to continue to September 13th at 7pm.

Unanimous approval.

Member Chamberlain decided to take an agenda item out of order.

Tamarack Park - Larry Kernan and Eric Dochermont from Charles River Wheelers, a bicycle club based in eastern Massachusetts were present for discussion. They are a nonprofit whose mission is education of cyclists about bicycle safety and bicycle advocacy. They are planning a 100-mile event on September 18th and will be passing through Lakeville. This will be 300-400 riders over a three-hour period. This is not a race, it's a bike ride. Lakeville will be the 50-mile point on a 100-mile ride so the riders should be pretty disburbed by the time they get here. They would like to use Tamarack Park as a water stop with light refreshments. Member Yeatts said she didn't have a problem with them using the park, but it would be contingent upon the Select Board approval. Member Knox said he had two concerns. If they

were granted permission by the Select Board, that they would take measures to get some portable restrooms. And, where the Commission is custodians of the park, they would like to make sure that it was cleaned up when it's done. Member Yeatts asked about signage. Mr. Kernan said they would have signs for the riders. They went and inspected the park today and would like to enter at the second entrance into the park. There was a discussion about the entrances to the park. Member Knox asked for an estimated time that riders would be showing up. Mr. Kernan said the earliest would be coming in around 9:45 and the last would be leaving at 12:45. Some riders will go by without stopping and some would spend 10-20 minutes there. They will not have a table full of paper cups, there will be a big jug of water and everyone has their own water bottle, so there's very minimal waste. It is typically an 8' table with water jugs and maybe some snacks.

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

Voted: to allow the Charles River Wheelers to use Tamarack Park as a stop for their event with the contingencies of Select Board approval and provide portable restrooms and clean up the mess if there is any.

Unanimous approval.

Community Preservation Committee - committee update discussion. Member Yeatts said they were having a training on the 13th from 5-7pm. They would like to stay and talk to the Commission after. She would like to make sure it gets on the agenda. They will be meeting with all the Boards to see what their priorities or ideas are. The Community Preservation Coalition will be providing the training. There was a discussion about the meeting times.

LeBaron Hills - Member Chamberlain asked if anyone had seen the hearings. Member Yeatts said she wished they had gotten their comments in first. She thought they should send in something since one of the buildings is in the 100' buffer zone. Member Chamberlain said it used to be that developers would come to Conservation first. Now, they get the other stuff first and then come to Conservation and say the other Boards have already given approval. Member Yeatts said there was a lot of missing information, like where the septic was going. Member Knox asked if they should send a recommendation to the Zoning Board of Appeals that the plan requires Conservation Commission review and filing. Conservation's approval process could change the plans so they should not be approved as drafted until Conservation signs off. Member LeBlanc asked if they would typically approve the plan with a contingency that it's approved by Conservation. Member Knox said if Conservation approved the plan and then it goes to the Zoning Board of Appeals and they change five little things, they're approving a different plan than Conservation is approving. Member Yeatts said the first thing they need is a peer review. She was concerned about the density of that much in the buffer zone. And the peer review that the ZBA would ask for would be different from the one Conservation would ask for. Member Yeatts said they were given water allocation for that project, so was there an amount on it? Member Knox said this project far exceeds what was originally allotted. You can't deny them the water, it's a 40B project. There was continued discussion about water allocation. The ZBA peer review would be more infrastructure, either it's capable or not capable of handling that expansion. Member Yeatts added that Conservation's peer review would be purely environmental.

303 Pond Lane - Consideration of request for emergency certification for treatment of infected Beech trees. Member Chamberlain said in two years there's likely not to be any Beech trees anywhere in

Massachusetts, anywhere in Ohio, anywhere in New Jersey due to nematodes. Beech Leaf Disease popped up in Ohio and then showed up in the middle of Massachusetts towards the end of 2021. Member Yeatts wanted to know what the treatment was. Member Knox said phosphate is the fertilizer treatment that works, that is not nitrogen-based. It can't be nitrogen based because it's in the buffer zone. The runoff would do damage to the resource area. Member Chamberlain said the homeowners were requesting to use polyphosphate 30. The way it is used is a narrow trench is dug around the tree and then pour it in the trench. Member LeBlanc asked if the homeowners were having this done professionally. Member Chamberlain said yes. Some arborists do soil injections with drills, going down 3-4' and injecting it. Member Yeatts asked how close to the water table would that be. She would like to see the proposal and get some help from DEP. There was continued discussion about Beech trees. Member Yeatts said the Commission needed more information. Member LeBlanc added that the homeowners need to tell us what they're going to use, how they're going to apply it, and what safety measures they're going to take with the wetland. Member Knox said one treatment is Triage, which is supposed to be injected, but it is very caustic. He wasn't sure if it's injected into the soil or injected into the tree itself. Member Chamberlain said he thought there was a fungicide that you could spray down the outside of the tree. Member Faherty asked how they identified that the trees were infected. Member Chamberlain said the leaves are curling and if you look at the top and bottom of them, they still look green, but there are dark green stripes. Member LeBlanc asked if there was a time issue with the treatment. Member Chamberlain said the treatment should be done in August and September. More information will be obtained for the September meeting.

Meeting Minutes - June 28, 2022

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

Voted: to accept the June 28, 2022 Conservation meeting minutes.

Unanimous approval.

Adjournment - (7:37pm)

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

Voted: to adjourn.

Unanimous approval.

Town of Lakeville
Conservation Commission
September 13, 2022 at 7pm

Members present: Chairman Robert Bouchard, Joseph Chamberlain, Mark Knox, Nancy Yeatts, and Josh Faherty. Members absent: John LeBlanc. Member Chamberlain called the meeting to order at 7pm. Part of this meeting was recorded by LakeCam (taping started during the discussion for 303 Pond Lane).

Meet with CPC - discussion. The Commission met with the Community Preservation Committee to give input and ask any questions.

147 Staples Shore Rd - Notice of Intent - Zenith Consulting Engineers - continued from August 23rd. There was a discussion regarding the septic system upgrade.

A motion was made and seconded, it was:

Voted: to close the hearing and issue an Order of Conditions with the standard conditions and the hay bale line placement to be approved on inspection by Agent.
Unanimous approval.

Documents: WPA Form 3- Notice of Intent packet, additional abutter certified receipts, revised septic design plan.

16 Anderson Way - Request for Determination of Applicability - St. Yves - installation of in-ground pool. There was a review of the plan with discussion.

A motion was made and seconded, it was:

Voted: to issue a negative 3 determination with the condition that the Agent be called to inspect the silt sock prior to work.
Unanimous approval.

Documents: WPA form 1 Request for Determination of Applicability, plan.

LakeCam recording begins

303 Pond Lane - Request for Determination of Applicability - Christensen - treatment for Beech Leaf Disease. Don and Sue Christensen were present for discussion. The Commission reviewed the proposal and material safety data sheets for fungicide treatment for Beech Leaf Disease. Member Yeatts had spoken with the Department of Conservation & Recreation (DCR) and questioned if the treatment would even work. Ms. Christensen said the plant pathologist at U-Mass Amherst had also recommended the same treatment. Chairman Bouchard spoke with the Department of Environmental Protection (DEP) and they were cautious about an untested system and weren't really in favor of the treatment. Member Knox thought they should give the applicant another week or two and maybe make some more phone

calls. He would hate to not let them treat these trees, even if this is a test to get feedback to see if there's positive results in any way, as long as the utmost caution is taken around the resource area. Member Yeatts said she wasn't sure they even have the authority to approve this. Ms. Christensen added that she was told by the plant pathologist at U-Mass that it needed to be done by next week or it's probably too late because the buds are forming.

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

Voted: to issue a positive determination

Discussion: Member Faherty said his fear was that if you treat the trees this year, they maybe look good next year, and then they get it again. It could just create a spiral where you have to come to the Commission every two-years to treat with these potentially dangerous chemicals next to the pond. He didn't want to see the Beech trees go, but a way to stop it is to remove the trees.

Four in favor, one opposed (Knox)

Documents: WPA Form 1 Request for Determination of Applicability, proposal, addendum to letter to ConCom, photos, letter to ConCom, Rampart fungicide material safety data sheet, MycoApply material safety data sheet, newspaper articles on tree diseases.

18 Fuller Shores - Request for Certificate of Compliance for SE192-777 - Zenith Consulting Engineers. Chairman Bouchard said that he had done a site visit and was satisfied with the work that has been done.

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

Voted: to issue a Certificate of Compliance for 18 Fuller Shores Rd.

Unanimous approval.

Documents: Request letter, WPA Form 8A Request for Certificate of Compliance, plan, photos, WPA Form 5 Order of Conditions.

Clark Shores Association - Request for Determination of Applicability - vegetation maintenance. Joan Moran from Clark Shores Association was present for discussion. Ms. Moran said pre-Covid the Association approached Chairman Bouchard to do some maintenance on the beaches and boat ramps to remove some vegetation that started to become invasive and take over the beaches. Due to Covid, the maintenance was never done. A few months ago, they spoke with Chairman Bouchard about doing the work and explained the maintenance plan. After work commenced, the abutters became upset. Both Chairman Bouchard and Member Chamberlain did site visits and Callie Harper from DEP called Ms. Moran and issued a cease-and-desist. Chairman Bouchard said he observed some of the work that was being done. In the beginning he was satisfied it was consistent with the original plan. After a call, Chairman Bouchard went out and thought they were off track. He specified exactly where the limit of pruning should be. Member Knox asked if Clark Shores Association had ownership and/or maintenance of the six listed properties. Ms. Moran said they did. One of the photos showed an overgrown chain-link fence. Member Knox said he wanted to make sure they weren't going over the property line. Ms. Moran said they would just trim it on their side and it would be up to the people on the other side to maintain their property. Member Knox asked if they would be removing any stumps or roots. Ms. Moran said no, it was all vines, but Third beach had more bushes. Chairman Bouchard said he would like to continue the procedure where they will notify him so he can come out and verify the work.

Member Knox asked if there was an allowable term that an RDA could stay active. So that they could be allowed to do this for two seasons in perpetuity. Member Faherty said an RDA is good for three-years.

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

Voted: to issue a negative determination with the condition that they stay in contact with the Agent so he can supervise.

Unanimous approval.

Discussion: Member Faherty asked how much work was left to be done. Ms. Moran gave a description of what had been done so far. Chairman Bouchard asked about the runoff and ditch that had been excavated and replaced. Ms. Moran said they have had it engineered, but it would probably be next spring. Chairman Bouchard said when they do decide to do the work, he would like to see the plan.

There was additional discussion regarding tree diseases. Member Chamberlain said he asked that the two newspaper articles be included in the meeting packet. He said the headline that "As many as one in six US tree species at risk of extinction" scares you. He had never heard of Beech Leaf Disease until about 90 days ago. These diseases are basically hitting shade trees, old growth hardwoods.

Adopt Mullin Rule - Adopting this rule would allow members of a Board, Committee, or Commission holding adjudicatory hearing to vote even though the individual has missed one meeting. Member Knox said that this was brought forth by the Town Planner so if they had a special permit hearing, which some can go on for four or five meetings, a member could miss a meeting. Member Chamberlain asked if the Conservation Commission would qualify for this since they don't issue special permits. Member Knox said since the Commission has hearings it would qualify. It would be the Zoning Board of Appeals, Conservation Commission and Planning Board that could adopt it.

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

Voted: to adopt the Mullin Rule.

Unanimous approval.

Announcements - Chairman Bouchard said he had received a letter of interest by a resident to be on the Commission. There was a brief discussion. Member Yeatts suggested the topic be put on the next agenda.

New Business - Chairman Bouchard said he wanted to discuss Member Yeatts' concern about posting a notice. He said it was his understanding from the regulations that an RDA doesn't require a legal ad. Member Yeatts said it is under our submittal requirements. Chairman Bouchard said he agreed, but what happened was when the pandemic started, we were relieved of that obligation and we never went back to it. He said if the Commission wanted to go back to that policy, he was for it. Member Yeatts said for the Long Pond project, if it was in the paper there are people from Long Pond Association that have done a lot of work to get those weeds out of the pond that might have attended and been interested in what that was about. Member Chamberlain said the assumption on the part of DEP years ago was that an RDA would be for really minor work. And if a positive determination was issued, then it would go to a filing and then people would be notified. Member Knox asked if he could suggest a change to our requirement to keep the RDA notification, but limit it to direct abutters. Any abutter directly in contact with the subject property would be notified. Member Yeatts said they've seen RDAs for septic systems and she felt that sometimes the RDA should be an NOI. Member Knox thought maybe

if it's a septic system it would be an NOI. Member Yeatts said with an NOI, not only does DEP give a file number, but they make comments. If the beech trees had been a NOI, it would have a file number and DEP would have given us comments. Member Knox said it started as an Emergency Certification. Member Yeatts said that's another thing, we don't really have what constitutes an emergency. Member Faherty asked if there was a fee for anyone putting in an application to post it in the paper. Member Chamberlain said they pay for the ad. Chairman Bouchard added that there was a \$75 fee for filing an RDA. Member Knox said they pay for the ad and they pay for the mailings.

Meeting Minutes - Member Yeatts had a question about the minutes. The Clear Pond discussion, the Commission was looking for verification of where the sand came from. Chairman Bouchard said the sand came from their usual suppliers of salt and sand. Member Faherty added that the sand was a donation.

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

Voted: to approve the meeting minutes from July 12, 2022.

Unanimous approval.

Member Knox asked about the filing for 8 Paul Avenue, had they heard from Natural Heritage. Chairman Bouchard said they received a letter, but they can't start because they need to hire a muscle expert and they need to do a sweep. They are trying to appeal it, although there is no appeals process apparently. The discussion turned back to RDA filings. Chairman Bouchard said they could still do a case by case basis and the Commission can vote. When an application comes in, they would decide on whether they thought it would require notification. If it did, that would be subject to a vote. Member Yeatts said they don't have to notify abutters on an RDA, they only have to put it in the paper. It was in our submittal requirements. Chairman Bouchard said it's not required by legal standards. Member Knox asked if the Commission wanted to keep it. Member Yeatts thought they should keep it since the RDAs were starting to ask for more work. There have been RDAs for septic systems lately. She was concerned since septic systems affect people's wells. Member Faherty thought it might be too subjective. Member Knox said he was fine with making all septic upgrades NOIs. He was fine with the smaller projects filing an RDA. If it's an RDA for a smaller project, it doesn't require the mailing. Member Chamberlain said usually the engineer does the initial determination of whether it's an RDA or an NOI. This will be added to the next meeting for discussion and possible vote.

Adjournment - (7:48pm)

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

Voted: to adjourn.

Unanimous approval.

Town of Lakeville
Conservation Commission
September 27, 2022 at 7pm

Members present: Chairman Robert Bouchard, Mark Knox, Nancy Yeatts, and John LeBlanc.

Members absent: Joseph Chamberlain and Josh Faherty. Chairman Bouchard called the meeting to order at 7pm. This meeting was recorded by LakeCam.

16 Anderson Way - continued. Request for Determination of Applicability (RDA) - installation of an inground pool. Chairman Bouchard said this was a continuation of an RDA. Nate St. Yves (homeowner) was present for discussion. They would like to get a permit and begin construction this fall and add a patio in the spring. Chairman Bouchard said all members should have gotten a revised site plan that included some of the information that was requested. The distance to the wetland line, test pit data with location of the water table and location of the silt fence were provided. Member LeBlanc asked how far the wetland is from the stone wall. Chairman Bouchard say the pool would be in excess of 100' away from the wetland. He added that he and Mr. St. Yves taped it off to make sure. The rear of the property is an even greater distance and includes more upland than low lying areas. Member Knox said where the pool is going looks like the highest ground on the property. Mr. St. Yves said he would agree. Member Knox said it looks like they wouldn't hit the water table which was his concern. He suggested showing the plan to the pool installers so they wouldn't damage the dry wells shown on the plan. There was a discussion regarding the silt fence.

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

Voted: to issue a negative 3 determination with a condition that the Agent be called to look at the silt sock before work begins.

Unanimous approval.

5 Harding & 39 Cross St. - Order of Conditions Extension SE192-831, Zenith Consulting Engineers. Jamie Bissonnette from Zenith was present for discussion. Mr. Bissonnette said they were looking for an extension of 3-years on the existing Order of Conditions. He explained that some of the work has started on the project itself. This project has a commercial component and residential component which were filed separately. The residential component had three houses, two of which are well under construction. There was one for the individual lot and then one for the road. This request is for the commercial site off of Harding Street. This parcel broke into two separate projects, one was the commercial project and the other was the turtle nesting area. The commercial site has been completely encapsulated with turtle fencing as per the request of Natural Heritage. It has been inspected by Dan Wells of LEC, who is a biologist. Some of the clearing that needed to take place inside the turtle fence has been completed for the most part. Mr. Bissonnette explained that due to the high cost of raw materials, the metal buildings that the owner was looking to build have doubled or tripled in price and wait times for materials are astronomically long. It has made the project unfeasible so they are waiting for costs to come down. They will still move forward with the project but will need a little more time to complete it. Member Knox asked if the original Order of Conditions called for maintaining the turtle nesting area or if it was separate. Mr. Bissonnette explained that while they are separate, they are kind of keeping them together. They proposed the erosion control on the turtle fence in the same locations. They are both silt fence and turtle

barrier. October 15th starts the dormant season for the eastern box turtle. They will need to have it swept again in the spring. Member LeBlanc asked if they had found any turtles. Mr. Bissonnette replied it was his understanding they found no turtles. Member LeBlanc asked if there was a conservation trust. Mr. Bissonnette said there was a conservation restriction on the land beyond the turtle fencing in some of the areas. Wildlands Trust doesn't act as a steward towards the turtles, they make sure the conservation restriction land is not developed or used improperly. Member LeBlanc wanted to disclose that his daughter is building a house on one of the lots so he would abstain from the vote. Member Knox asked if the biologist would continue to return to the site until the commercial site is completed. Mr. Bissonnette explained that it was his understanding that they would have to provide updated reports to Natural Heritage until completion. At that time, they can take the turtle fencing down and get a complete sign off from Natural Heritage. Member Knox wanted clarification on the silt fence for the construction. It's basically a dual purpose because it's also the turtle fence. Mr. Bissonnette said it was. Member Knox said that technically they wouldn't be able to get the Natural Heritage sign off until the construction sign off. The requirement is to keep it until the end of construction. Mr. Bissonnette said they would be looking for both sign offs at the same time. Once everything is stabilized we would come in and petition Natural Heritage at the same time. They wouldn't take it down until they got the green light from both the state and the town. There was more discussion regarding the extension.

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

Voted: to issue a three-year extension on SE192-831 for 5 Harding St. and 39 Cross St. Three years from 10/23/22.

Three in favor, one abstention (LeBlanc)

8 Old Powder House Rd - Request for Certificate of Compliance SE192-831 - Collins Engineering. Chairman Bouchard said this was an upgrade to the septic system. He has been out to the site numerous times and is satisfied with the work that's been done. Member Knox read the request letter into the record. Member Yeatts asked if the grass had grown back in. Chairman Bouchard said considering the conditions, it looks pretty good.

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

Voted: to issue a Certificate of Compliance for SE192-831 for 8 Old Powder House Rd.

Unanimous approval.

Meeting Minutes - August 3, 2022. Continued.

Submittal requirements review - Chairman Bouchard said he started a list of things he thought might need to be refined. He listed some conditions that might show up in a Notice of Intent (NOI): new septic system, upgrades to existing, new residences, in-ground pools, commercial buildings, impacts to the bordering vegetated wetlands, and agricultural exemptions. For RDAs: residential upgrades, above ground pools, residential repairs, partial septic systems and construction. Chairman Bouchard asked if any members thought something needed to be changed, to submit it to the office and he will put everything together in one master list and circulate it for input. Member Yeatts said they had talked about not having to put legal ads in the paper for an RDA. She said when they discussed it, she was alright with not doing that for an RDA, especially since now agendas have to have supporting documentation so people can look at the town calendar and see it. She also liked the idea of all septic systems needing an NOI. Member Knox said he didn't see proof of mailing for an RDA on the requirements. Member Yeatts said

she just remembers it as being in the newspapers. Member Knox said at the last meeting there was opposition to his statement that we shouldn't force a mailing if it's not a requirement. Member Yeatts said under the Wetland Protection Act, an NOI has to be advertised in the paper. Chairman Bouchard said an RDA does not need to be advertised but it has been the Commission's policy. There was continued discussion. Chairman Bouchard had a conversation with DEP and was told that an RDA is used as a screening tool and that if the Commission votes against it, the applicant can appeal by filing an NOI. According to DEP, there should be no conditions on an RDA. Member Yeatts said she had spoken to someone at DEP and was told no more than one or two conditions. If more than one or two conditions are needed, then the filing should be an NOI. Member Knox said the Commission should be a little greener and maybe not require as many full-size sets of plans.

Letters of interest - Chairman Bouchard asked if everyone had read the letter of interest for the open seat on the Commission. Member Yeatts said she would like to see a little more diversity on the Board. She was hoping for someone with an environmental background. Chairman Bouchard said he would like to see more than just one applicant. Member Yeatts said she had a call from someone expressing interest in the commission who works for FEMA. However, FEMA felt this would be a conflict of interest. She thought in the future, new members should do some training.

Betty's Neck Anniversary - Member Yeatts said there would be a 20th Anniversary celebration on October 9th at 1pm at Betty's Neck which will feature Wing Masters, which is a bird of prey show.

Adjournment - (7:42pm)

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

Voted: to adjourn.

Unanimous approval.