

# 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:	Conservation Commission	
Date & Time of Meeting:	October 24, 2023 @ 7pm	
Location of Meeting:	<u>Lakeville Police Station</u> 323 Bedford St.	
Clerk/Board Member posting notice:	Lori Canedy	
Cancelled/Postponed to: Clerk/Board Member Cancelling/Postpor	(circle one) ning:	

#### AGENDA

- 1. Please ask if anyone is recording the meeting and announce that LakeCam is taping (if present).
- 2. <u>310 Kenneth Welch Drive</u> Notice of Intent (SE192-891) Goddard Consulting increase in parking and wetland replication. Continued from 10/10/23 meeting.
- 3. <u>9 Cross Street Notice of Intent (SE192-902)</u> new single-family dwelling, septic system, well, grading, lot clearing, utilities, driveway crossing, and replication area. Continued from 10/10/23 meeting.
- 4. 19 Twin Oaks Rd Request for Determination of Applicability replacement well.
- 5. 28 Cross St. discussion and possible vote regarding a filing for a horse paddock.
- 6. Review and approve meeting minutes July 11, 2023.
- 7. Conservation Bylaw Continued discussion and possible vote.



### **Wassachusetts Department of Environmental Protection** Bureau of Water Resources - Wetlands

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

Municipality

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	A.	General Information	001	1 8 2023
Important: When filling out forms on the computer, use only the tab key to move your cursor - do not		Applicant:  Nancy  First Name  19 Twin Daks Rd	Last Name	on Commission
use the return key.		Lakeville City/Town 508-498-4347	Mac State	02347 Zip Code
Run	2.	Phone Number  Property Owner (if different from Applicant):	Email Address	
		First Name Address	Last Name	
		City/Town	State	Zip Code
		Phone Number	Email Address (if known)	
	3.	Representative (if any)		
		First Name	Last Name	
		Company Name		
		Address		
		City/Town	State	Zip Code
		Phone Number	Email Address (if known)	
	В.	Project Description		
	1.	a. Project Location (use maps and plans to identify the	Lakeville	
How to find Latitude		Street Address	City/Town	
How to find Latitude and Longitude		Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)	Longitude (Decimal Degrees decimal e.gXX.XXXXX)	Format with 5 digits after
and how to convert to decimal degrees	١	Map 065 Assessors' Map Number	Block 3 L	_0
		b. Area Description (use additional paper, if necessary	):	
c. Plan and/or Map Reference(s): (use additional paper if necessary)  As-Built Plan Subsurface Sewage Disposal  Title System Upgrade Date			2007 Date	
		Title	10	Date



### **Wassachusetts Department of Environmental Protection** Bureau of Water Resources - Wetlands

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

Municipality

B. Project Description (conf	В.	<b>Project</b>	Description	(cont
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2.	a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):	
	Installation of a replacement well	
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		*
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	Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant om having to file a Notice of Intent for all or part of the described work (use additional paper, if ecessary).	
3.	If this application is a Request for Determination of Scope of Alternatives for work in the iverfront 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	d <sub>,</sub>
	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.	
	Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification ove (use additional paper and/or attach appropriate documents, if necessary.)	

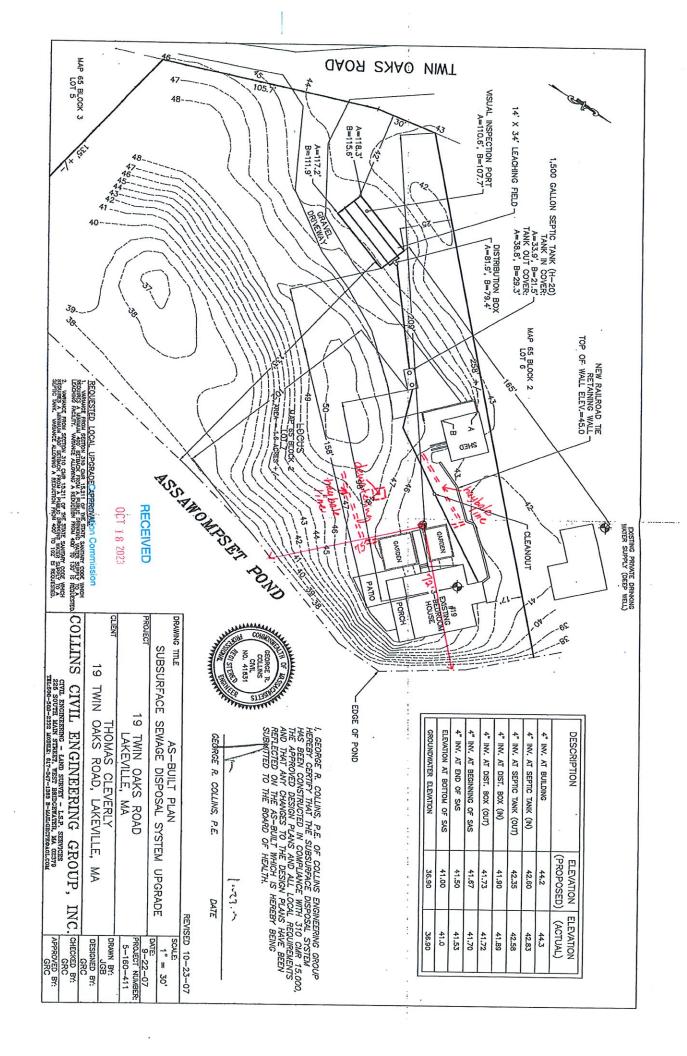


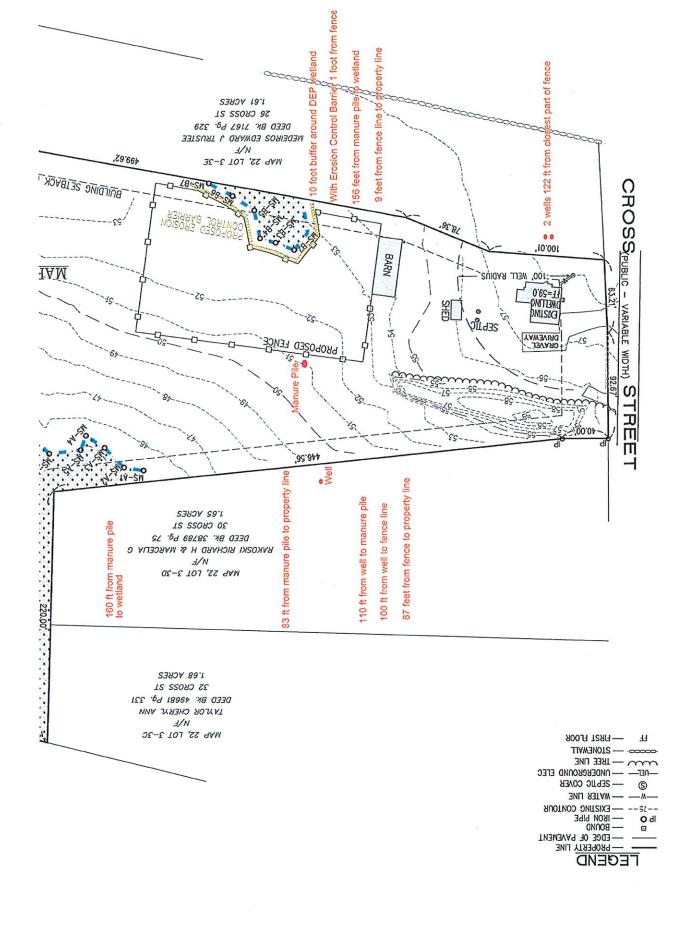
### **Massachusetts Department of Environmental Protection** Bureau of Water Resources - Wetlands

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

Municipality

C. Determinations	
1. I request the Lakeville make the following determination(s).	Check any that apply:
<ul> <li>a. whether the area depicted on plan(s) and/or map(s) referenced above is jurisdiction of the Wetlands Protection Act.</li> </ul>	an area subject to
<ul> <li>b. whether the <b>boundaries</b> of resource area(s) depicted on plan(s) and/or above are accurately delineated.</li> </ul>	map(s) referenced
c. whether the <b>Activities</b> depicted on plan(s) referenced above is subject to Protection Act and its regulations.	the Wetlands
d. whether the area and/or Activities depicted on plan(s) referenced above jurisdiction of any municipal wetlands' ordinance or bylaw of:	is subject to the
Name of Municipality	
<ul> <li>e. whether the following scope of alternatives is adequate for Activities in depicted on referenced plan(s).</li> </ul>	the Riverfront Area as
D. Signatures and Submittal Requirements	
I hereby certify under the penalties of perjury that the foregoing Request for Determine and accompanying plans, documents, and supporting data are true and complete to knowledge.	
I further certify that the property owner, if different from the applicant, and the appro- Office were sent a complete copy of this Request (including all appropriate docume simultaneously with the submittal of this Request to the Conservation Commission.	priate DEP Regional ntation)
Failure by the applicant to send copies in a timely manner may result in dismissal o Determination of Applicability.	f the Request for
Signatures:	
I also understand that notification of this Request will be placed in a local newspape in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulation	er at my expense s.
Signature of Applicant Date	
Signature of Representative (if any)	





C PLAN BOOK 31, PAGE 1115

D. PLAN BOOK 29, PAGE 891

D. PLAN BOOK 26, PAGE 791

ASSESSOR'S MAP AND LOT NUMBERS.

ASSESSOR'S MAP AND LOT NUMBERS.

FOLLOWING:

PROPERTY LINE INFORMATION OBTAINED FROM THE POLICY ON SEPTEMBER 19, 2023.

FOLLOWING:

TO SEPTEMBER 19, 2023.

1. LOT NUMBERS REFER TO THE TOWN OF LAKEVILLE ASSESSOR'S MAP AND LOT NUMBERS.

NHESP Priority Habitats of Rare Species NHESP Estimated Habitats of Rare Wildlife 🔆 Barrier Beach-Wooded Swamp Mixed Trees Barrier Beach-Shrub Swamp
 Barrier Beach-Wooded Swamp Coniferous
 Barrier Beach-Wooded Swamp Deciduous A Bog 形 Coastal Bank Bluff or Sea Cliff 綴 Coastal Beach 只 Coastal Dune Tidal Flat

W. Wooded Swamp Conferens

W. Wooded Swamp Deciduous

W. Wooded Swamp Mixed Trees **DEP Wetlands Detailed** DEP Wetlands Change Change Change detected 2001-2003 Change detected 2005
Change detected 2008-2009
Change detected 2011-2012 Shallow Marsh Meadow or Fen · Barrier Beach-Coastal Beach · · Barrier Beach-Coastal Dune Sarrier Beach-Deep Marsh Property Tax Parcels Barrier Beach-Open Water . Barrier Beach-Salt Marsh Barrier Beach System . Rocky Intertidal Shore Barrier Beach-Marsh Cranberry Bog
Deep Marsh W Shrub Swamp Open Water is. Salt Marsh lassMapper 28 Cross Street TECHNICALES IN THE PROPERTY OF \* 7 \*

### Lori Canedy

From:

**Edward Cullen** 

Sent:

Wednesday, October 18, 2023 11:51 AM

To:

Lori Canedy

Subject:

FW: 28 Cross St- Stable Permit

Attachments:

10-12 plan.pdf

From: Meghan Young <meghanyoung140@gmail.com>

Sent: Wednesday, October 18, 2023 11:19 AM

To: Edward Cullen <ecullen@lakevillema.org>; rjbouchard@verizon.net

Subject: Re: 28 Cross St- Stable Permit

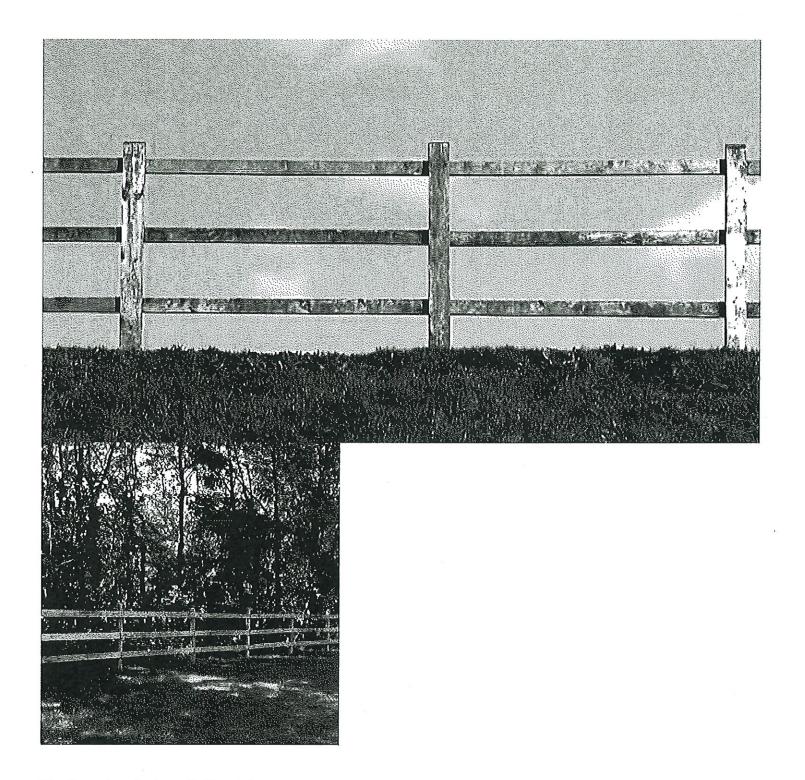
#### Dear Bob,

I am writing to confirm my determination that the installation of a fence to form a horse paddock on my property (28 Cross St, Lakeville) would be considered a minor activity in the buffer zone per 310 CMR 10.02(2)(b)2. b. and therefore would not require a filing under the Massachusetts Wetlands Protection Act (WPA).

As shown on the attached plans, the proposed fence is located in the buffer zone of vegetated wetlands on my property. Please note that the fence line is the only activity proposed and all other structures shown on the plans are existing. Per 310 CMR 10.02(2)(b)1., minor activities in the buffer zone are not subject to the jurisdiction of the WPA provided that the work is conducted solely in the buffer zone and that the work is performed to reduce the potential for adverse impacts to the resource area during construction, and post-construction measures are implemented to stabilize any disturbed soil. Based on a wetland field determination and desktop review, the project is not located in any other jurisdictional resources under the WPA. Additionally, in compliance with this regulation, erosion and sediment controls have been placed in between the resource area and the work to be conducted. All disturbed soils will be stabilized following the installation of the fence.

Additionally, 310 CMR 10.02(2)(b)2. b. indicates that the fence cannot not constitute a barrier to wildlife movement. An image of the proposed fence type has been attached. The fence will allow for wildlife to pass under the fence and will not impede of their movement. Please note, I am coordinating separately with Natural Heritage as part of the fence is located in priority and estimated wildlife habitat.

Based on my interpretation of the WPA regulations, the project will meet the requirements of a minor activity in the buffer zone and no permit under the WPA will be required. Please provide confirmation that the proposed fence installation on my property is exempt from the WPA as a minor activity in the buffer zone and therefore does not require a permit or notice of intent.



Thank you for all of your help and time, Meghan Young 508-208-3722

On Oct 16, 2023, at 8:53 AM, Meghan Young < meghanyoung 140@gmail.com > wrote:

### Good morning Bob,

Thanks for letting me know you got the updated plan Friday. I will try you this AM so we can chat through it, but I wanted to give you a summary in the meanwhile before I forget.

I had a botanist come out and flag the wetlands. The surveyor then came out and put the wetland markers on a survey with the house, barn, proposed fence line and proposed erosion barrier. In orange I added all the labels for the stable permit.

Per 310 CMR 10.02(2)(b), fencing is considered a minor wetland activity in the buffer zone and the plan attached shows the fence is only in the buffer zone so we believe a permit should not be needed. Would you be able to confirm or work with the others on the conservation committee to proceed as is?

As far as the Priority/ Estimated Endangered Species Habitat, my team has reached out NHESP to inquire if we need to file a permit.

Please let me know what questions you have.

Thank you Meghan Young 508-208-3722

### Town of Lakeville Conservation Commission July 11, 2023 at 7pm

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

<u>310 Kenneth Welch Drive</u> - Notice of Intent (SE192-891) - Goddard Consulting - continued from 6/13/23. The applicant has requested a continuance to the next meeting on July 25<sup>th</sup>.

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

Voted: to continue the 310 Kenneth Welch Notice of Intent hearing to July 25<sup>th</sup> at 7pm.

Unanimous approval.

24 Stetson Street - Notice of Intent (SE192-897) - SFG Associates - septic repair. Chairman Bouchard read the legal notice into the record. Brad Fitzgerald from SFG was present for discussion. This is a septic repair for an existing 4-bedroom house. The proposed system is a new septic tank and pump chamber up to a pipe and stone leach field. At the closest point, the field will be 58' from the southerly bordering vegetated wetland (BVW), about 80' from the other BVW, and 150' from Bates Brook. Because Bates Brook eventually works its way to Assawompset, Title V says it has to have a 200' minimum setback from the brook. They were unable to get that so, they went to the Board of Health and received a local upgrade for it to be less than 200' and less than 100' from the wetland. The finish grading will get to about 40' from the wetland. Prior to the start of work, they will install an erosion control barrier which will surround the work completely. Upon completion it will be loamed and seeded and the erosion control will stay in place until all the grass has taken. Member Chamberlain asked if the location of the settling basin would be, if needed. Mr. Fitzgerald said he did not. Member LeBlanc said it was in the plan notes that it would be located uphill from the erosion control. There was a discussion about accessing the site.

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

Voted: to close the hearing and issue a standard Order of Conditions with an additional condition that prior to the start of work the Agent be notified on how the trucks will access and if needed, change the erosion control barriers.

Unanimous approval.

31 Stetson Street - Notice of Intent (SE192-88) - Foresight Engineering - construction of a single-family home. Chairman Bouchard read the legal notice into the record. Darren Michaelis from Foresight Engineering was present for discussion. They went to the Board of Health back in 2021 to get variances to be within 200' to the tributary. The entire lot is mapped within the tributary area by DEP. They were able to get them to agree to the actual reservoir and the historical connection of the stream going across the street. They went outside the 100' setback of all of that but are within 100' of the irrigation canal. The foundation and well are both existing, and the septic has been completed. The site is completely graded and seeded. The only work left is the driveway and the construction of the house.

They have their DEP number and approval from Natural Heritage. This was a previously disturbed area; the tree line was pretty much pre-existing. This was the existing sand area for the bogs. Member Knox asked if Mr. Michaelis could point out the existing foundation. It appears to be beyond the 200' tributary line. The new leaching field is within it. The next line back was the 100' setback from the body of water and the stream that crosses the road. The septic has been installed. The whole site had been backfilled, graded, and seeded. They are really hear after-the-fact. Member Knox asked if the Board of Health had signed off on all the inspections. Mr. Michaelis said they had.

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

Voted: to close the hearing on 31 Stetson Street, SE192-898, with all, even though it's already done, our conditions for construction.

Unanimous approval.

Stowe Estates (35 Myricks Street) - Notice of Intent - Zenith Consulting Engineers - a 3 lot subdivision. Nyles Zager from Zenith was present for discussion. Chairman Bouchard read the legal notice into the record. The existing property is about 11.6 acres with about 10.1 being upland area. The existing topography ranges in elevation from roughly 160 down to 137 near the back. The wetlands are located between wetland flag 111 to wetland flag 141. This property is not located in a flood zone or Natural Heritage Endangered Species area. It's not located in an area of environmental concern, outstanding resource waters, or a Zone-2. There is no surface water supply, streams or rivers within 200' of the property. They won't be working in any riverfront areas or riparian zones. The proposal is for the construction of a 750' long, 20' wide, paved road which will access 3 single family homes. Public water will be provided by the city of Taunton as well as on-site septic systems. The septic systems are all outside the 100' buffer. The only work they are proposing within the 100' buffer zone to the BVW is a small area associated with the roadway, a small amount of pavement, grading and clearing. They will be providing a drainage swale along the side of the road that will convey stormwater from the road to the detention basin. The other work within the 100' buffer is a small portion of the detention basin. They were able to maintain a 50' setback to all wetlands. For the roadway, they are proposing silt sock all along the down gradient side of the project. The silt sock will also be placed at the back of the site where any surface water would potentially be while the site isn't stabilized and discharged off site. The silt sock will be a 10" silt sock that will be blown in. They will provide an anti-tracking pad at the entrance. It's a rip rap pad that they utilize during construction. The pad is 20' wide and 50' long. This does not need to meet stormwater management. Storm management for DEP is anything over 4 lots. However, for good engineering practices, they have to ensure that there's not going to be any downstream impacts or any impacts to abutters including and up to the 100-year storm event. They have designed based on the existing conditions versus the post conditions, and they have to do an analysis off of when it's a wooded lot and then when it's cleared. This project has been presented to the Planning Board and sent to Environmental Partners for peer review. Environmental Partners sent back a review letter and this plan reflects the responses. They have since come back with another letter with minor concerns or open issues. Most of these have to do with the waivers for the subdivision that were discussed at the Planning Board meeting. They have a Planning Board meeting scheduled for this Thursday and wanted to bring this in front of the Commission to discuss any concerns, address them, and continue to the next meeting when they can hopefully address all the concerns from the Planning Board and Commission. The current plan reflects concerns from the Fire Chief. He was concerned with how they were going to access the back lot. He had two options, he would require another turn around in the driveway, which would have created a lot more impervious area and a lot more disturbance. Or, he would be okay with a

20' paved full access. They came to agreement on a 20' paved access. Member Knox asked how far they would be from the limit of work to the abutting field. Mr. Zager said it was about 40' from the drainage basin and about 40-50' from the back lot. Member Knox asked how far it was from Myricks Street to the back-lot line. Mr. Zager said it was about 1100'. There was continued discussion about grading. Member Knox asked if there would be less water exiting the property after the project. Mr. Zager said it would be less. Member Chamberlain asked about the roadway. Mr. Zager said the right of way to the property line is 40'. The paved surface will be 20' with grass shoulders. On the right side of the road, it will be a grass swale. That will be the conveyance for the storm water into the drainage basin. Member Yeatts asked who would be responsible for the detention basin. Mr. Zager answered it would be a homeowner's association that would be responsible. Member Yeatts asked where they would be plowing the snow. Mr. Zager explained that the snow would be plowed along the roadway and feathered to the side and plowed to the end of the turnaround. Member Yeatts thought that no snow plowed into the detention basins should be added to the Order of Conditions. Member Knox added that the maintenance of the drainage system in perpetuity should be in the Order of Conditions as well. Chairman Bouchard asked about lot A. Mr. Zager explained that it was completely separate, but they did include it in the drainage analysis. It's not part of this subdivision, it's a form A lot. Member Knox said it was part of this property now, it's not a lot, it's just a parcel. It's the future intent of a neighbor to purchase the lot or merge that with another parcel. Mr. Zager said that was correct.

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

Voted: to continue 35 Myricks Street, SE192-899, to the July 25<sup>th</sup> meeting at 7pm. *Discussion:* Lynn Hagerty from 39 Myricks Street asked for clarification on lot A. Mr. Zager said it was potentially another lot for a home down the road. There's enough frontage to make it a Form A lot, but that would have to go before the Planning Board.

Unanimous approval.

Meeting Minutes - April 25th 2023.

Upon a motion made by Member Knox, seconded by Member Faherty, it was: Voted: to approve the minutes as drafted for April 25<sup>th</sup> 2023. Unanimous approval.

Conservation Bylaw - Member Yeatts wanted to update the Commission on a discussion she had with Building Inspector Nate Darling. He thought the bylaw should be as small as possible, with only a few things on it, and to ratify the Wetland Protection Act itself. If it is ratified within your town, those are the rules you follow. That would enable him to hold a building permit until the project goes through Conservation. Member Faherty said from what he understood about building permits, once an application is received, a determination has to be made on it within 30-days. He thought it would be a good idea for Mr. Darling to attend the next meeting. Member Yeatts said she just wanted to see a 25' no touch and all septic systems need a Notice of Intent. Member Knox said he was opposed to the 25' no touch, unless it was already 100% undisturbed. Member Chamberlain said most of the time it is undisturbed. Member Knox explained that is why he thought the bylaw never passed before. If it's new construction, it's a more valuable habitat if it's undisturbed currently. Member Faherty agreed with Member Knox. If you have someone that's on the pond and they've had a lawn that goes to the pond for the existence of their house, now you're saying you can't put a patio or a concrete walkway to a dock. Member Chamberlain thought it would be something involving square footage. Member Faherty

gave an example of a bylaw from MACC. It was the skeleton framework for how a bylaw should look, it didn't include any regulations. He thought they should talk about getting the skeleton bylaw approved and then come back with a public hearing to create regulations. One regulation could be a 25' no disturb on unaltered property. There was continued discussion. Member Yeatts asked if this agenda item could be kept on upcoming agendas for possible discussion.

#### Adjournment - (8:08pm)

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

Voted: to adjourn.

Unanimous approval.