

Conservation Commission Meeting
Sharon Community Center
August 16, 2018 – DRAFT

Margaret Arguimbau, Chair, Stephen Cremer, Meredith Avery, Alan Westman and Jon Wasserman were the members present. Michael Donatelle and Keevin Geller were not present. The Conservation Administrator, Greg Meister, was also present.

A sign-in sheet is on file in the office listing other attendees of the meeting.

Meeting started at 7:50pm

Meeting Minutes dated July 12, 2018

Minor grammatical errors

Motion to accept minutes as amended

Cremer, Wasserman 3-0-1

7:45 PM – Eversource (VHB) Minor Project Revision

Chris Fox representing Eversource Energy. He informed the Commission that faulty anchor bolts were used in the installation of the foundation. Due to the faulty bolts the foundation will need to be removed and resituated in another area (still within the wetlands). Eversource will remove the existing foundation going down three feet below grade. Organic material from excavation of the new foundation will be used to fill the hole left from removal of the first foundation and they will try to keep the same soil profile. A jackhammer will be used to cut out the existing foundation and large pieces will be removed from the site. Work will be performed during daylight hours. All work will be performed from the matting. Dewatering is being looked into, as there is a lot of water in the area. Miester asked for Eversource to contact the office prior to any work starting.

DEP has been mailed a copy of the letter outlining the replacement sequence. A vote by the Commission is needed and should be attached to the existing order.

Motion: Commission votes to accept plan as presented for revision and to attach letter to the Order of Conditions reflecting the modification.

Cremer, Westman 4-0-0

Landswap

Action is needed regarding land swap. Property is located at intersection of East Foxboro Street and South Main Street. There is a little parcel of land behind the house located on the corner of South Main Street and East Foxboro Street. The parcel abuts the baseball fields. The Town voted and the Attorney General's office approved a 2.2 acre parcel of land located at Deborah Sampson Park could be used for anything. The Town would like to swap this 2.2 acre parcel in exchange for the .8acre parcel adjacent to the ball fields so as to build a building for Civil Defense. This swap will need approval from the National Park Service. The Commission must also vote its approval.

8:00 PM – Hearing Continuance: NOI 595 & 635 Old Post Road – Applicant asked for a continuance. 40B Residential 66 units in (2) buildings

8:15 PM – Hearing Continuance: 127 Beach Street

David Oberlander presenting for the applicant. He explained to Commission members that since his last appearance, the plans have changed slightly. The house has been rotated allowing the septic tanks to be installed at the back of the house. By rotating the home, the tanks are now out of the buffer. Oberlander explained that this has been a tough project. He provided the Commission with a legal opinion from Town Counsel (on file in office).

Oberlander explained septic system was only for this one home. Multiple certified mailings have been sent to mailing address of the adjacent home with no replies. The owners of the home are deceased and what Oberlander has gathered, is that the heirs to the property don't want to do anything with the home. Oberlander has met with both the Zoning Board and the Board of Health. Both have approved the project meaning that at least the septic from one of the two homes will be brought up to code.

Meister reviewed the plans. He is happy that the tanks have been moved out of the buffer. If Commission is in agreement, new plan will be accepted. A silt fence for erosion control is noted on the plan.

Motion to close hearing with Order of Conditions reflecting the new plan dated 4/9/2018
Avery, Westman 5-0-0

8:30 PM – Violation, 4 Solstice Way

Property is located off of Mansfield Street. Homeowner wished to install a swimming pool. Meister normally signs off on such requests, however, a new computer system for permitting is now being used, and this project somehow slipped through the cracks. Meister learned of the project after he received a phone call from a concerned resident regarding work taking place on the property. Taking the plans with him, he visited the site. 4 Solstice way abuts Town land on two sides. The Perkins land is located on one side and consists of restrictions with general town property located on the other side.

Meister was very concerned with what he saw at the property. Very noticeable as he walked out back was granite bound with an orange stake located next to it. Next to the granite bound, on town property, were two piles of fill. As the homeowner was not home, Meister left his card asking them to phone the office. The following morning Meister met with the homeowner and informed them that work must stop. Meister was at the site earlier today and the contractor was there pulling the earth back. The swimming pool is located on the homeowner's property; however, the excavated fill was on town owned property. In addition, any landscaping to be done would have also been on Town property. Meister is having Town Counsel prepare and send a violation notice to the homeowner. This is more of a property line issue than a wetland issue. Perhaps schedule the homeowner to meet with the Commission at a meeting in September. Trespassing is a big issue for Meister and he found this behavior unacceptable.

8:45 PM – Extension Orders for the Following projects: DEP#280-0490 and DEP#280-0491

Shelmerdine is representing the client of Sharon Gallery, formally known as Sharon Commons. There are 59 acres located behind the bogs. Shelmerdine is present this evening to bring the Commission up to date on the project.

Shelmerdine explained that in November 2017 there was a zoning change which increased type and business use allowable in district D. A layer of residential components was added. Since that time, there has been a fair amount of potential tenant activity. At this time, Siegel, property owner, is now focusing on signing up one to two tenants. With these potential tenants ready to sign leases, Siegel is now preparing applications for site plan approval with the ZBA. (He will apply formally when leases have been signed.)

In the meantime, work has begun on the roadway (Old Post Road). Assisted living complex, containing 88 housing units, is located to the right of the 59 acres owned by Siegel. Currently access to the facility is from South Main Street. This is only temporary. When roadway is completed, access to assisted living complex will be from Old Post Road. A traffic light will be installed at the intersection across from Shaw's plaza. Another 10 acre parcel abuts Siegel's property. 192 rental units are scheduled to be built on that parcel. Access to this property will also be from Old Post Road. Siegel has been working with O'Cain, Town Engineer and DelPriore, Assistant Town Engineer, and they have been great. The utilities have been laid and conduits installed. Inspections have been performed. It is hoped that within the next three weeks a binder layer of asphalt will be laid down. Siegel's intention moving forward now is to get the business portion of the 59 acre parcel moving.

Cranberry bogs

Background history of bogs and commercial development: Shelmerdine noted that the March 2007 MOU the then developer entered into runs with the land. One condition of the MOU requires the owner of the property to convey to the Town, on or prior to issuance of the first building permit, approximately 30.5 acres of bogs located in front of the 59 acres of commercial property to be developed. Also included in the MOU was a condition allowing the developer to retain a small portion of the bogs (with an easement or CR being given to the Conservation Commission) if needed for square foot ratio purposes. In addition, the developer agreed to provide the Commission with \$250,000, of which no less than \$100,000 would be in cash. To date, some of the money has been turned over to the Commission, with a balance of approximately \$100,000 to \$125,000 remaining. The remaining amount can be distributed as either cash or as in kind services, whichever the Commission prefers.

Shelmerdine noted that when the bogs are conveyed to the Town, through the Conservation Commission, the Town will be free to do what they wish with the land. If the Commission prefers, the area can be kept as bogs, or the land can turn into wetlands, trails, etc.... The decision on use however, is the Commissions to make.

Bottomley was present to discuss updates regarding the cranberry bogs. He developed the Farm Plan which has been helpful with this project. Bottomley noted that there is still more work to do

on the bogs. He realizes that the current state of the bogs is in quite a different state than they were ten years ago when he first became involved in the project. (The bogs are not in good shape). Meister reached out to Bottomley a couple of weeks ago asking what the developer (of Sharon Galleries) could do regarding the cleaning up of the bogs. Bottomley explained to Commission members that he has had discussions with his client (Spiegel - developer) and that Spiegel has agreed to begin cleaning up the bogs over the next two to three week, noting that this would benefit both the town as well as his project. From an aesthetic view, clean up would consist of mowing, cutting and clipping.

Bottomley explained to the Commission that his client has agreed, if it is the wish of Commission members to continue growing cranberries, that his client will reestablish the ability to grow cranberries in the bogs. However, his client would prefer to know the Commissions intentions within the next month, so that if they choose not to reestablish the bogs, then time, money and effort would not be spent on something the Commission does not want. If the Commission decides they would like to reestablish the bogs, some of the remaining funds could be used to help re-establish the ability to grow cranberries. The existing vines date back to the 1850's and for this year, this is about 40% rot, 40% worm, and 20% could be harvested. Westman asked for clarification on remaining funds/in kind service, as scenario presented does not sound as a donation to the Town, but rather existing money/service the Town could use to re-establish the bogs. Bottomley explained that his client was open to discussion, and once the Commission has decided on direction they would like to take, there could be further discussion. Shelmerdine noted that when the MOU was signed back in 2007, there was no mention in the MOU of turning over working bogs. However, as Arguimbau noted, it was the belief and perception that working bogs would be turned over to the Town.

Shelmerdine explained that the MOU was signed on March 6, 2007. Town meeting occurred a week later, at which time, the area was turned into a business district allowing for the construction of a mall. At a later Commission meeting in which Shelmerdine was in attendance, he was asked what was being done with the bogs. Soon thereafter Bottomley was brought into the picture to farm the bogs, and a ten year lease was signed between the developer and Bottomley. Shelmerdine again noted that when the MOU was signed, there was no intention of turning over actively growing cranberry bogs.

Bottomley wished to clarify a couple of points. At a recent Conservation Commission meeting attended by Bottomley, there was no quorum. However, at that time some of the issues facing the bogs were discussed. Bottomley noted that Meister phoned him about two weeks ago; Meister was looking for figures of the potential cost to bring the bogs back into working order. *History: The bogs were originally owned by Morse Brothers. Intoccia Builders bought the property from Morse Brothers and then sold to Stratouly (Congress Group, Inc.) who entered into a MOU with the Town. The Congress Group owned the land from 2007-2014 at which time they land was lost to a firm located in Texas. David Spiegel is now the owner of the property. Over the past ten years, this property has seen numerous owners along with several different Engineers. Currently, the engineer of record is Norwood Engineering.*

From an agricultural perspective, the original plans approved by the Town are still the same. Spiegel, the current owner, must do the following:

- 1) Replication of the wetlands is required
- 2) Retention/Detention for the proposed Roadway must occur as it relates to the cranberry bogs and is considered part of the Commissions purview.
- 3) Compensatory storage for the flood plain.

With respect to replicating the wetlands, Bottomley believes the replication ratio to be 1.3 to 1. What the Commission wishes to do (active working bogs/ or inactive) is up to them. With respect to the retention/detention, Meister has inspected the front basin (rebuilt wares and a new culvert has been installed in Billings Brook, rip rap has been installed to prevent erosion control. What remains to be done is linking the retention/detention to the new wetland bog area located in the rear. There are three bogs located on the property. With work performed last year (digging out pond number 1) water is now available should the Commission wish for the bogs to remain active.

Compensatory water storage work has not yet started. In discussion with contractor (Mariano) work should begin soon and will take approximately three weeks. Eversource has installed conduits in the roadway. Running of the bogs will be electric. Eversource has not yet given the tie-in rate for the project. Bottomley explained that all utilities charge a fee to “buy” into tying up with the utilities. It is estimated the cost of tie-in will be \$15,000. Spiegel is aware of the cost. Bottomley reiterated again to the Commission that Spiegel is committed to bringing the bogs back to working order, regardless of any future decision the Commission makes relating to wetland restoration. It is important to Spiegel, that from an aesthetic viewpoint, the area looks nice. The anticipated cost to bring the bogs back will run approximately \$26,000. Again, Bottomley noted that Spiegel is committed to bringing the bogs back, and the \$26,000 would be in addition to the remaining funding available as agreed upon in the MOU.

Part of the cleanup would include two guys on mowers (on embankment and hill) for three days (front and rear bogs); as well as an 8 to 10 man crew handpicking (cleaning) the bogs (3 to 6 weeks). In addition, an access point will need to be created to allow future maintenance of the bogs. This work can begin within the next several weeks regardless of what decision the Commission makes about future use of the bogs.

Clean up work will not endanger the existing vines (which date back to the 1800’s), however, if the Commission wishes for the bogs to remain active, they must decide (soon) whether they wish them to be organic or non-organic. Bottomley’s recommendation would be the non-organic route. Though the cost per barrel of organic cranberry’s today is around \$90 per barrel, the bogs themselves are relatively small and the fees associated with organic farming can be quite high. Bottomley anticipates the vines will be regenerated during the cleanup process. He also believes a small crop can be generated this year.

Bottomley noted that many surrounding communities have established agricultural committees and perhaps the Town of Sharon may wish to investigate establishing one. There is a lot the Town can do with the bog area, both from an educational standpoint and from a human interest component. The bogs could be opened up and treated as a no cost “U pick em”. Bottomley has spoken with Decas Cranberries and they might be interested in assisting the Town in establishing

an educational component which possibly could tie-into the public school curriculum for grades 2-8. Cape Cod Cranberry Growers also has a wealth of educational information on their website. Bottomley believes that Sharon is a great community with a lot of community involvement in the outdoors, recreation and farming. He noted the Sharon Community Gardens, the camps, yachtclub, lake and recreation areas around town and Spiegel is committed to working with the Town in turning over the bogs. Walking trails could also be established throughout the bog area. Arguimbau thanked Bottomley for his work with Spiegel in ensuring the bogs are cleaned up. In speaking on behalf of Commission, the concern at this time is the sequencing of events, and would prefer cleanup of the bogs begin with handpick versus mowing. Bottomley explained that is the sequence of cleanup. Arguimbau thanked Bottomley and asked that the office be notified when the cleanup of the bogs will begin.

Regarding what will become of the bogs, working vs non-working; the Commission has time to decide what they wish to do. Bottomley will make himself available to assist the Commission and again noted that Spiegel is committed to handing over to the Town working bogs. Bottomley has just received from the FSA a new map of the Sharon bogs which shows the restoration area. He will review and discuss with the Commission what their wishes are moving forward. In the initial agreement, additional bogs were to be created. The Commission will need to discuss what they wish to do.

Arguimbau noted that a short term plan was needed moving forward, and that maintenance and the future of the bogs will need to be discussed by Commission members over the next several months. Concern of the Commission was that the bogs were turned over to the Town in working order and the state the bogs are in now were of concern. Commission is appreciative of Spiegel's desire and commitment to work with them and the Town and to turn over bogs which are more aesthetically pleasing than they are currently.

A question was raised that if the Town wished to keep as active bogs, what the yearly maintenance would cost. Once the bogs are initially cleaned up, the cost would gradually decrease on a yearly basis. Ward's Berry Farm may be a good partner. Though they do not know about farming cranberries, they know about water withdrawal, have a packaging station, and do a very good job.

Certificate of Compliance, Edgehill Road. This is an older project. Members signed.

Civil Defense Building (Land swap continuance)

A unanimous vote is needed from the Commission, though not quite sure if Commission can approve as still waiting to hear from the National Park Service.

Meister informed the Commission that they can act independently from the National Park Service (NPS). Meister explained he has been involved several times in land swaps with the NPS and he is not sure how the NPS will rule.

The Town already owns the land to be swapped and the NPS typically does not do land swaps with land already owned. From a Commission perspective, he asked members their thoughts.

Does the swap make sense? He noted that there will still be four to five acres of unrestricted land on the parcel between the community gardens and the pond (where the dorms were located.)

The Commission's vote is independent of the NPS. They can either vote now or if they prefer, they can delay the vote until the NPS makes its decision

The Board of Selectman and legislature have each voted in favor of the swap. Meister noted that he informed Town that the NPS needed to be contacted for their opinion. They were not contacted. The Commission can vote now, or wait to see what the NPS opinion is. Meister believes it is a bad precedent to swap land already owned by the Town but should also consider the value of the land to the Town and the swap.

Avery is uncomfortable voting on this at this time.

Arguimbau suggested that perhaps Meister phone NPS and explain the position the Commission is in.

Meister believes the process is important. There should be thought and effort put into what is needed for replacement of land swap. This has not taken place. The Town wishes to swap two parcels of land they already own.

Meister agreed that the 2.2 acre parcel is more valuable than Parcel T (to be swapped). From recreation view, it is more valuable.

Lake update

Meister informed Commission that the treatment is working well.

Next meetings: September 6th and 20th.

Motion: move to adjoin.

Cremer, Avery 5-0-0