

Conservation Commission Meeting Minutes April 25, 2013

Conservation Commission
Meeting
Sharon Community Center
April 25, 2013

Peg Arguimbau Chairman, Hank Langstroth, Keevin Geller, Elizabeth McGrath, and Linda Orel, were the members present. Conservation Commission Members, Stephen Cremer and Christine Turnbull, were absent from the meeting. The Conservation Administrator, Greg Meister, was also present.

7:45 p.m.: Lori Leiderman and Jeffrey Oura regarding violation enforcement issue on town land in the vicinity of Grove Avenue and Beach Street on Lake Massapoag:

Present: Lori Leiderman and Jeffrey Oura, 10 Grove Avenue
Bill Melaugh, 9 Lake Avenue
Todd Arnold, 70 Cedar St.
Cliff Towner, 21 Pole Plain Road

Lori Leiderman and Jeffrey Oura appeared before the Commission. Lori Leiderman explained to the Commission that they have lived on Grove Avenue for thirty-six years. She said that back then, people in the neighborhood maintained the end of Grove Avenue. She indicated that it is her belief that everyone is on the "same side" when it comes to maintaining the quality of Lake Massapoag. Lori Leiderman and Jeffrey Oura explained to the Commission that they had no intention of causing damage to Lake Massapoag from their recent clean-up event of the Grove Avenue and Beach Street area that quite a few people in the neighborhood were also involved in. Lori Leiderman said that things would have been done differently if they knew then what they know now about performing clean-up work on the subject lot. Lori expressed her opinion that Lake Massapoag and its surrounding area is one of the most historic sections within the Town of Sharon. She expressed her opinion that Lake Massapoag has been a valuable recreational resource area to the Town of Sharon since the 1800s. Lori said that people frequently traveled to Sharon by train to spend the day at Lake Massapoag. She said that Composer Leonard Bernstein was also a frequent visitor to Lake Massapoag. Lori presented a 1977 photo of the subject site showing a dock, sandy beach, a cattail stand, and a single tree existing on the subject site which recently came down due to parasitic vines and bittersweet. She said that the boats in the photo did not belong to the people in the neighborhood.

Lori Leiderman and Jeffrey Oura explained to the Commission that they performed the recent clean-up with the intention to beautify the subject site, improve the view shed and access to the Lake, eradicate the undergrowth of parasitic vines, bittersweet, dead trees, and shrubs to reclaim the health of Lake Massapoag. Lori explained to the Commission that she would like to work together with the Commission to control the cat brier and bittersweet on the subject site.

Peg explained that the clean-up performed by Lori Leiderman and Jeffrey Oura was more glaring this year and that it came to the Commission's attention in terms of a violation issue. She explained that it is illegal to perform unauthorized work on land subject to protection pursuant to the State and local Wetlands Protection Act. The subject site is not technically a public access to Lake Massapoag.

Linda Orel explained to Lori Leiderman and Jeffrey Oura that there are potential risks when trespassing onto wetland areas to perform unauthorized work and there is also a risk in violating state and local statutes despite their reasons for doing the unauthorized work.

The Conservation Administrator explained that he performed an inspection of the subject site and took photos of clear cut trees and shrubs. Piles of wood, brush, and debris still remain on the site. (Piles of wood remaining on the site from Red Maple, Speckled Alder, Willow, and Birch Trees.) Three boats and a bench were also on the subject site. He indicated that the work performed on the site was unprecedented and a restoration plan should be required for the subject site. He suggested that Wetland consultants should be involved to provide a list of required plantings for a restoration plan of the subject site. The Conservation Administrator agreed to provide a list of wetland consultant names for Lori Leiderman and Jeffrey Oura to hire for the required restoration work on the subject site.

Jeffrey Oura explained that it was their intention to remove the stockpiled wood from the subject site.

He explained that it was understood that the subject site located at the end of Grove Avenue and Beach Street was a permitted access to the Lake for the residents in that area.

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Linda Orel explained to Lori Leiderman and Jeffrey Oura that the Commission needs to discuss the necessary enforcement action for the unauthorized work performed on the subject site. She said that it is important for the Commission to discuss a restoration plan for the unauthorized work performed on the subject site.

Cliff Towner was present in the audience and commented that his definition of beauty varies from other people. In his opinion, the subject site was a beautiful and healthy wetland. He said that eight healthy trees, each more than fifty-years old, were cut down from the unauthorized work performed on the subject site. He believes that the unauthorized work performed on the subject site was a beautification project to open up the view shed of the Lake. Cliff indicated that the subject site was one of the last good wetland areas along that section of the Lake. In his opinion, the beauty of the subject site was the wetland and everything contained within that wetland.

Peg explained that the Commission would discuss the restoration work needed on the subject site to re-establish the health of the wetland. She explained that the Commission is not going to design the restoration plan needed for the subject site. She said that while the Commission can agree that the work performed on the site was historically based on good intent, the work performed on the subject site was illegal and it needs to be rectified.

Lori Leiderman and Jeffrey Oura agreed to contact a consultant from a list provided by the Conservation Administrator to perform the restoration work on the subject site and present a replication plan to the Commission at their next meeting.

8:40 p.m.: Attorney Bob Shelmerdine to discuss the proposed zoning change on South Main Street:

Present: Attorney Bob Shelmerdine; Tom Houston, Consultant to the Board of Selectmen concerning the Selectmen's sponsored zoning change warrant article for the upcoming May 6, 2013 Annual Town Meeting; Engineer, Kelly Killeen was also present. Attorney Shelmerdine appeared before the Commission representing the owner of the two parcels on the proposed Sharon Commons site. Attorney Shelmerdine explained that just the southern portion of the parcel is proposed for rezoning to develop an assisted-living facility as opposed to a townhouse facility. He presented a copy of a signed Memorandum of Understanding to the Commission. The current zoning on the two parcels is under a 40R Overlay District that the Town of Sharon adopted in 2008 that allows for the construction of 29 townhouses. A non-40R wastewater treatment facility overlay to allow a treatment facility on the northern parcel is proposed to be constructed under a non-40R Zone for servicing a non-40R Zone on the southern parcel. The northern parcel is still a 40R Zone that is designed for 139 multi-family homes. (Approximately 70 Affordable Units and 69 Market Rate Condos.)

Tom Houston explained that it is illegal to have accessory uses on lots that are not in the same district.

There is an increase in affluent flow being generated by the proposed assisted-living facility.

Linda Orel mentioned the previous concerns of the Commission during Attorney Shelmerdine's previous meeting with the Commission as follows:

- There is no local, state, or federal law regulating pharmaceutical waste.
- There is a potential for three times as many people living in assisted-living facilities as opposed to townhouses.
- There will probably be more town services needed in terms of ambulances.
- There will be more impervious surface needed to build an assisted-living facility.
- An option to build an additional medical facility.

Attorney Shelmerdine explained a pharmaceutical disposal policy that would be adopted by Northbridge pertaining to pharmaceutical and personal care products, (PPCPs).

Tom Houston explained that it is an issue that occurs in every septic in the Town of Sharon. He said the only issue here is that an assisted-living facility would have a population that is more advanced in age than the town as a whole and they could be more dependent on medication.

Tom Houston said that Town water wells numbered 5 & 7 are located downgradient of the southern portion of the parcel. To some extent, there is a dilution issue of an aquifer that is supported by a watershed that is probably several square miles. Currently, neither DEP nor the EPA has any specific treatment standards for PPCPs.

Hank Langstroth explained that the current issue here is that the proposed assisted-living facility lies within the Water Resource Protection District and a proposed wastewater treatment facility is compounded by potential additional pollutants.

Attorney Shelmerdine explained that the owner of the property is willing to abide by any rules or regulations that are promulgated now or in the future. He explained that there are 29 townhouses proposed with 2-3 bedrooms or more. (Approximately 70 people would be allowed if the townhouse facility is proposed.) There are 88 assisted-living units being proposed with a maximum density of 1 ¼. (Approximately 110 people would be allowed if the assisted-living facility is approved.)

Attorney Shelmerdine presented a fiscal impact report prepared by Mullin Associates. He indicated that town services required for Police/Fire on an assisted-living facility for 88 – 93 units would not generate the need for additional Police/Fire Personnel.

Attorney Shelmerdine explained that the owner of the property agreed to incorporate language within the MOU stating that the entire southern portion of the parcel would only be utilized for an assisted-living facility if the proposed zoning amendment is approved at the May 6, 2013 Annual Town Meeting. The language in the MOU has limited the number of assisted-living units to 88.

Attorney Shelmerdine indicated that 13,200 gpd is the estimated wastewater generated for the assisted-living units for 88 units on the southern portion of the parcel. 30,580 gpd is the estimated wastewater generated for the 139 resident units proposed on the northern portion of the parcel.

Tom Houston explained that the specific configuration of the access road entering into the proposed project would be subject to a major site plan review under the Zoning Board of Appeals.

Peg inquired as to the crescent shaped section of property between the bogs (formerly in Sub Zone C) and said that maybe some thought could be given to preserve more of that piece than originally planned.

Kelly Killen and Attorney explained that Frank Gobbi still owns the property. The property is no longer part of Sub Zone C because it was pulled out of the 2008 proposed project agreement.

The Commission expressed their appreciation to all parties involved in the above presentation.

9:40 p.m.: Old/New Business:

It was the consensus of the Commission to approve the Conservation Administrator's request to ask the DPW to clean up and install "No Dumping Signs" on Gavin's Pond Road where people have been dumping on Conservation land. This dumping is also in violation of police regulations.

9:45 p.m.: Approve Past Meeting Minutes:

Peg called for a motion to approve the March 21, 2013 Meeting Minutes as presented.

Hank Langstroth moved. Keevin Geller seconded. Voted. 4-0-1.

Peg called for a motion to approve the April 4, 2013 Meeting Minutes as presented.

Linda Orel moved. Hank Langstroth seconded. Voted. 3-0-2.

9:50 p.m.: Executive Session:

Peg called for a motion to enter into Executive Session to discuss matters for pending litigation.

Elizabeth McGrath moved. Hank Langstroth seconded. Voted. 5-0-0. Unanimous.

10:15 p.m.: Adjournment from Executive Session:

Peg called for a motion to adjourn from Executive Session.

Keevin Geller moved. Hank Langstroth seconded. Voted. 5-0-0. Unanimous.

10:20 p.m.: Signatures:

The Commission signed bills. Order of Conditions under DEP File # SE-280-0548, 30 East Street.

10:25 p.m.: Adjournment:

Peg called for a motion to adjourn.

Hank Langstroth moved. Keevin Geller seconded. Voted. 5-0-0. Unanimous.

