

Conservation Commission Meeting  
Virtual Meeting  
April 7, 2022

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Keevin Geller, Jon Wasserman and Stephen Cremer. Alan Westman and Colin Barbera and Jon Wasserman, were not present. Staff present included Josh Philibert, Conservation Administrator and Jana Katz, Conservation Secretary.

Arguimbau opened the meeting by reading Governor Baker's Executive Order of March 12, 2020. As of June 15, the measure was extended in An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, allowing by Governor Baker to continue to permitting virtual public meetings until July 15, 2022. Per guidance from the State, Arguimbau noted that all votes would be taken by roll call. She then reviewed the ground rules for the meeting.

The remote meeting was called to order at 7:30pm.

<b>7:30 PM</b>	<b>Continued Public Hearing</b>	RDA 9 Mayflower Lane, Noah Oshry – Landscaping Plan
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The Chair began by reading the public notice. Evan Watson appeared on behalf of the applicants who were present. The current parcel has a single family dwelling and a pool. Around the pool is a concrete apron and mature plantings, the proposed project includes changing the concrete to a blue stone patio, improving a nearby shed, and adding additional native species plantings to the area. To accommodate the changes the project will necessitate excavation and earth work for the plantings as well as additional grading and removal of the concrete apron. The applicants are proposing straw bale waddles just behind the chain-link fence that already exists, that would be the only work done beyond the chain-link fence.

After discussing the project at the last meeting and learning the members would like to see dry wells on the property, the applicants presented an alternative idea. They asked that a condition of approval be that anytime water was taken out of the pool it would be directed to the pea stone and not the wetland resource area.

Cremer asked if the hot tub and pool share the same water system? They do according to the applicant. The chair asked about access to the site which will be through the fence which will be partially dismantled and then reinstalled. Geller and Philibert discussed the plantings list which Philibert reviewed and deemed reasonable.

<b>Motion:</b> To issue a Negative Determination with Special Conditions
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Geller moved

Cremer seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

<b>7:46 PM</b>	<b>Public Hearing</b>	NOI – Electrical Right-of-Way, NSTAR – Maintenance Upgrades
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The chair began the hearing by reading the public notice. Eric Olson from VHB shared his screen. Matt Devlin and Dave Bear from Eversource were also present. The NOI refers to an existing utility right-of-way located between Canton Street and the Canton/Sharon town line. The project will take place over 3,100 linear feet of row. Timber mats will be installed for accessibility to the pads and overhead wire installation. The initial submission called for wetland restoration but as the land is owned by Amtrak, Eversource is not optimistic they will get permission to install additional wetlands on the property. The work will involve five replacement structures as well as poled structures. The front end of the work will include erosion barriers and timber mats for monopoles. Holes will be 12 feet in diameter and 30 feet deep. All excavation will be removed from the site. Temporary site stabilization will be done with straw, then permanently will seed and mulch.

Arguimbau and Philibert met with Olson for a site visit. All access to the site will be through Canton Street. Geller praised previous work done at the site.  
Motion to issue orders per plan.

<b>Motion:</b> To close the hearing and issue an Order of Conditions per plan.
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Geller moved Westman seconded Geller- Aye, Westman – Aye, Cremer – Aye, Arguimbau – Aye 4-0-0 Motion Passed
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<b>7:58 PM</b>	<b>Discussion Topic</b>	Signature Pages at Town Hall for Conservation Restriction
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The chair instructed members to see Melissa Imbaro at Town Hall to sign a Conservation Restriction document submitted by Anita Hadlock for property located at 256 Mansfield Street.

<b>8:00 PM</b>	<b>Public Hearing</b>	NOI 43 Greenwood Road, Susan and Larry Cable, 3 Season Room DEP SE-280-0644
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The chair began by reading the public notice. Members discussed access to the site which will require trucks that will stay parked in the driveway while all other access will be on foot. Proposed materials include Techno Metal Posts driven into the ground with a small hydraulic machine. Minimal digging for sonotubes are also included in the plan without the need for concrete footings. Currently wood posts on concrete pads 20x20 inches and approximately 36 inches deep support the existing deck. A dumpster in the driveway will collect the concrete pads there currently there will be no dumping into the wetlands.

Motion to close hearing and issue the OOC per plan.

DEP#: SE 280-0644

**Motion:** To close the hearing and issue an Order of Conditions per plan with special conditions.

Geller moved

Westman seconded

Geller- Aye, Westman – Aye, Cremer – Aye, Arguimbau – Aye

4-0-0 Motion Passed

**8:15 PM      Public Hearing      RDA 186 Massapoag Ave, Patrick O'Brien, Garage**  
**Construction at Salvation Army Camp**

The chair began by reading the public notice. Patrick O'Brien described the unsafe conditions currently as the existing garage is in disrepair with a collapsing roof. The demolished the building to find that the foundation was also in disrepair. The proposed location for the construction of a new garage to provide storage for the Salvation Army camp is further from the wetlands. Philibert shared his screen showing the two locations which will move the garage 18 feet further from the wetland though it will still be in the buffer zone.

Members discussed monolithic pads as part of erosion controls which will also include straw bale waddles. The chair would like to see erosion control barriers closer to the back of the proposed location. The orders will reference erosion control ten feet from the structure as well as spreading hay or installing plantings. The building will be 28x30 feet and used for storage but not living space.

Special Conditions: Sediment and erosion control shall be placed at the limit of work for the removal of the existing garage foundation. At a minimum, this will include silt fence and an 8-inch compost sock or a 12-inch compost sock without silt fence. Upon removal and regrading of the old foundation site, the area shall be mulched or seeded and a 1 to 2- inch layer of hay placed over the seed. If used, mulch shall be wood chips, bark mulch, or other organic mulch.

Once the existing foundation is removed and the new limit of work is established for the installation of the new foundation, a second line of sediment and erosion control shall be added at the new limit of work. At a minimum, this will include an 8-inch compost sock. Erosion and sediment control measures shall remain in place until vegetation has been established on disturbed areas or until the disturbed areas have been mulched with wood chips, bark mulch, or other organic mulch.

**Motion:** To issue a Negative Determination with Special Conditions

Cremer moved

Westman seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

**8:25 PM      Other Business      Approve March 17, 2022 Meeting Minutes**

Arguimbau instructed the clerk to remove the “no quorum” at the top of the minutes.

**Motion:** To accept meeting minutes from March 17, 2022 as amended.

Cremer moved

Geller seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Abstain

3-0-1 Motion Passed

<b>8:30 PM</b>	<b>Public Hearing</b>	RDA 189 Massapoag, M & E Realty Trust – Seasonal Dock
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The chair began the hearing by reading the public notice proposing a season 40 foot dock with a 7.5 foot ramp and a 5x6 platform at the base. It will sit on the bottom of Lake Massapoag.

Cremer asked about off season storage which will be on the applicants’ land. No abutters were present.

Applicants have indicated that the proposed dock will be 4-feet wide. All portions of the dock shall be removed from the water before winter and may be stored on site. Boats shall be removed from the site for winter storage. All off-season storage will take place at the home of the applicant’s sister, Kelly O’Shea.

**Motion:** To issue a Negative Determination with Special Conditions

Geller moved

Westman seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

<b>8:40 PM</b>	<b>Other Business</b>	Approve March 3, 2022 Meeting Minutes
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**Motion:** To accept meeting minutes from March 3, 2022.

Cremer moved

Westman seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

<b>8:45 PM</b>	<b>Public Hearing</b>	RDA 8 Kings Road, Raj Priyadarshi - Deck
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The chair began by reading the public notice. The current deck is in disrepair and threatening collapsing. It is within the 100 ft. buffer. Robert Savill will be pulling the deck off the house and redoing the existing L shaped deck. The only change will a reduction in the stair size. The project will not require access from Kings Road, everything will be dug by hand to minimize disturbance. Members agreed to issue the Negative Determination with special conditions. There were no other comments.

**Motion:** To close the hearing and issue a Negative Determination with conditions

Cremer moved

Geller seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

<b>8:50 PM</b>	<b>Discussion Topic</b>	Update on the Zoning Bylaw Codification Status
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Arguimbau and Avery attended a joint Planning Board and ZBA meeting to discuss the proposed changes to the zoning bylaws.

## MEMORANDUM

TO: Planning Board and Zoning Board Members

FROM: Maria De La Fuente, Planning/Engineering Specialist

DATE: October 21, 2021

SUBJECT: Report on Introductory Meeting with Mark Bobrowski

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Dear Planning Board and Zoning Board Members:

On Thursday October 21, key staff members and a representative from the Planning Board and the Zoning Board met with Land Use Lawyer Mark Bobrowski, to discuss the way we will approach the recodification of the Zoning Bylaws. Staff members that attended the meeting include Town Administrator Frederic Turkington, DPW Superintendent Eric Hooper, Town Engineer Peter O’Cain, Building Inspector Kristian White, Planning/Engineering Specialist Maria De La Fuente, and Planning Consultant Elizabeth Ellis. Board representatives included Pasqualino Pannone, representing the Planning Board, and Joseph Garber, representing the Zoning Board.

The meeting was a review of Mr. Bobrowski’s memo regarding our zoning. We went through each memo element one by one, and provided Mr. Bobrowski with any context he might need to better understand the Town and its needs. For example, we discussed the overlay districts and how they came to be, such as how the Smart Growth Overlay District was created because of its proximity to the train station, but how it is impossible to enforce due to density constraint the Town faces because of its lack of sewer. We also discussed the Senior Living Overlay district, and how it is now obsolete, as we have used the land mostly for conservation purposes, as well as to build a couple of single family homes. Most of the meeting followed this pattern: Mr. Bobrowski reading this memo and giving us examples so we’d better understand what he meant, and us giving us context whenever he asked or when the need arose.

Mr. Bobrowski also said the following:

His goal for our new Zoning Bylaws is to have an internally harmonized document (no “go to page 68 for more details”, instead, have all the necessary information on the pages which

reference it). He also said updating our bylaws to comply with most recent state bylaws is critical, as well as the need to close down gaps in definition which might lead to unclear interpretations of our bylaws.

The Town needs to have a Zoning Table for easy browsing, especially for business owners, so they know what uses are allowed where. We also need to make sure that we are using the exact language the Dover Amendment uses to fully comply with State guidelines, and also stated that he would like to take a look at federal accessibility requirements. There is also a need to update language to refer to most favored terms, such as changing instances that refer to long-term care facilities as 'nursing homes'. This language is antiquated and is falling out of use in the legal sphere, and our bylaws should reflect this.

We should take a look at how we define and allow for farms in Town. The most common definition of farm is "5 acres of land, or 2 qualified acres in which each produce at least \$1,000 per year". Currently, we do not have a definition for farms, which could lead to unintended land use consequences which would not be in the Town's best interests. The Town should also make a distinction between exempt agricultural vs non-exempt agricultural uses.

We should not require variances for signs, as variances are given when soil conditions or other physical factors are unacceptable. Instead, the Town should look into giving special permits for signs. A special permit is standard procedure and would uphold well in Land Use court.

Section 3400 of the Zoning Bylaws is too old and irrelevant now, as the justification for this Section has expired.

Our section on solar bylaws should also be revisited, as solar can go anywhere school and churches can go. This trumps local laws regarding vegetation covers in residential districts.

Section 4700 might have to be deleted.

Our Site Plan review process is weak and the ZBA should not have review powers. The Planning Board is the most common reviewing authority for Site Plan reviews. The reason PB should have purview is because Site Plan reviews cannot be denied, they must always be approved, or approved with special conditions.

Nonconforming uses will be looked at in detail in later meetings, both for structures and for single- and two-family homes. Redefining what the Town considers a nonconformity could cut down the Zoning Board of Appeals' case load by 50%. Setback requirements, on the other hand, are something that is harder to change, and it would be impossible to do without a full feasibility study to determine how it would affect conforming vs. non-conforming parcels if implemented.

Mr. Turkington clarified that this recodification of the bylaws must be warrant ready by April 1<sup>st</sup>, to go to Town Meeting on May 2<sup>nd</sup>.

The next scheduled meeting with Mr. Bobrowski is scheduled for November 3<sup>rd</sup> at 5pm. All Planning and Zoning Board members are encouraged to attend, as one of the key topics that will be discussed is the respective Boards' roles and responsibilities. It will by no means be an absolute decision, just a discussion with the intention of helping both Boards rethink the way they operate so they can engage in discussion amongst themselves.

Maria De La Fuente

Decisions will be made at the first meeting in May to notify applications shortly afterward.

The chair began the hearing by reading the public notice. Tim McGuire from Goddard Consulting presented on behalf of the applicant. McGuire shared his screen. Arguimbau discussed the DEP COC stating it was issued because nothing had happened with the project it was simply to close the file.

There is a wetland delineation in question as two assessments were performed on site. The most recent being in 2020 with the then Conservation Administrator, John Thomas, and Gary Makuch. Prior to 2020, Peter Fletcher had completed an assessment that in 2009 identifying a wetland on the property. Philibert stated that soils will determine that status of an existing wetland. He also questioned McGuire's assessment of the soil as there were multiple soil profiles on site. McGuire suggested meeting with members to discuss the site.

Geller agreed that Philibert should evaluate the site in person. Arguimbau suggested setting up a meeting with Philiber, McGuire, and Fletcher. Cremer and Westman agreed as well as Geller.

<b>Motion:</b> To continue the hearing to April 21, 2022
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Cremer moved

Geller seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

Student Contact

Rushi Chivukula sent the Conservation Administrator photos of progress of volunteer work in the neighborhood. The commission members praised the work.

Cremer moved that the commission congratulate Rushi Chivukula on his work protecting wetlands and the environment.

Geller Seconded

Geller – Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0

Massapoag Trail Boardwalk

The majority of work to repair a boardwalk along Massapoag Trail by Kurt Buermann on behalf of Sharon Friends of Conservation will take place along 36 Quincy Street. Cut pressed treated lumber outside of the wetland with fasteners and fabrication as needed will be installed.



### Rattlesnake Hill Trail Maintenance

Chris Patrick and Koene Van Dijk praised a proposed project for trail maintenance off of Mountain Street on Rattlesnake Hill. The trail currently is maintained well with the exception of portions crossing to wet areas. The proposal includes moving the trail 15 yards to a topographically higher stretch of trail and rerouting the existing trail by blocking it with Burch and other trees. They agreed to not cut any live trees.

Members agreed to contribute \$400 to the project if there is money to cover it.

Steve, Keevin, Alan, Peg all in agreement.

**Motion:** To go into Executive Session and adjourn at the end of the session

Cremer moved

Alan seconded

Geller- Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed