

Conservation Commission Meeting
Virtual Meeting
May 5, 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, 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.

7:30 PM	Public Hearing	NOI SE280-0647, 2419 Bay Rd, Josh Duger – Dock in Briggs Pond
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Steve Ivas from Ivas Environmental presented on behalf of the applicant who was present. The proposed dock includes a pipe and pad foundation with a 4 ft wide access that would be 16 ft long and lead to a 12x8 dock area. The total area would be 133 sq ft. The dock would rest on 10.8" foot pads. A few sq ft of bank without vegetation would be affected at the landward edge of the dock for dock access. The dock would be built on site. The location is outside Zone 2 of the Sharon municipal wells but is inside estimated and other kinds of habitats.

Philibert shared his screen in conjunction with Ivas' oration. There were no BVW's on site. There is an existing path from the residence to the location of the dock, the applicants did not create the pathway.

Cremer asked how much the dock would extend into the pond, it was clarified that the length into the pond would be 24 feet. The plan is for the dock to remain in the water year round. A small portion of the dock will lay on land. Wasserman discussed other docks on the pond, questioning the number of them.

The project is currently in the 30 day review period. The Commission will wait to issue the OOC until NHESP finalizes their report on the matter. Should no concerns be noted, the Commission will issue the OOC.

Motion: To close the hearing and issue and Order of Conditions pending receipt of the Natural Heritage and Endangered Species Program if there are no concerns with the proposed project to be located at 2419 Bay Rd
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Geller moved

Avery seconded

Geller- Aye, Avery – Aye, Wasserman – Aye, Cremer – Aye, Arguimbau – Aye

5-0-0 Motion Passed

7:46 PM	Continued Public Hearing	NOI – Yury Deych, 61 Eisenhower Dr – Wetland Replication
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The applicant sent an e-mail requesting a continuance to the next meeting.

Motion: To continue the hearing to May 19, 2022

Cremer moved

Wasserman seconded

Geller- Aye, Avery – Aye, Wasserman – Aye, Cremer – Aye Arguimbau – Aye

5-0-0 Motion Passed

7:52 PM	Discussion Topic	Conservation Administrator Update
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Philibert had met with Scott Goddard at 61 Eisenhower Drive. Goddard kept referring to the Certificate of Compliance. Andrew Poyant from DEP said a COC does not confirm a wetland line and the process will need to begin again. Peter Fletcher also attended the visit. Philibert requested more information regarding soil composition. He instructed the applicant to present more detailed information, asking for 6-8 testing pits within the 14 flagged sites.

Philibert also reported that he will be walking the Massapoag Brook to look at the Conservation Restriction held by Mass Audubon.

Arguimbau and Philibert met with the DER to talk about cranberry bogs, work to restore the bogs to natural wetland (not a working bog) would cost over \$100,000. That is the anticipated cost even if the town does some of the work itself.

DER is also involved with the Great Cedar Swamp, Philibert is waiting on cost estimates. Eric Ford from DER had informed Philibert that this is a priority project. Philibert visited the swamp and noted the swamp has subsided, soil levels have dropped, and some trees look like mangroves.

Philibert is also going to hike Rattlesnake Hill with Ed Burr. There was a prayer seat that was dismantled to make a bike feature.

Philibert will also attend at training with the Massapoag Yacht Club with the LMSC on cyanobacteria.

8:02 PM	Discussion Topic	Intern Update
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Philibert narrowed the list of candidates to four.

Philibert reported to the commission that he met with LEanddra McLean and Linda Berter as well as Rachel Oles to discuss late testing, which the BOH will oversee. Cremer and Philibert discussed Nantucket's recent enactment of a law banning fertilizer on the entire island.

8:07 PM	Discussion Topic	Stormwater Hearings
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Arguimbau discussed the upcoming roles the Conservation Commission will play in reviewing Stormwater permit applications with Stormwater Hearings. The bylaw which passed at Town Meeting has not yet been approved by the Attorney General's Office. Members discussed when to hold Stormwater Hearings. Philibert stated he would check with neighboring towns to see what their process is. The Stormwater Rules and Regulations will be circulated to members by the middle of June.

8:10 PM	Discussion Topic	Meeting Dates and Times
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Members discussed holding meetings on a different day or at a different time to increase attendance.

Arguimbau stated she is hoping there will be in person meetings by May 19th.

8:14 PM	Other Business	Approve April 7, 2022 meeting minutes
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Members voted to approve minutes as amended.

8:15 change "the demolished" to "they demolished"

8:30 the dock was going to be stored at a family members lot in the off season.

Motion: To accept meeting minutes from April 7, 2022.

Cremer moved

Geller seconded

Geller- Aye, Avery – Abstain, Wasserman – Abstain, Cremer – Aye, Arguimbau – Aye
3-0-2 Motion Passed

8:15 PM	Other Business	Approve April 7, 2022 Executive Session meeting minutes
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Members voted to approve minutes as amended.

Motion: To accept meeting minutes from April 7, 2022.

Cremer moved

Geller seconded

Geller- Aye, Avery – Abstain, Wasserman – Abstain, Cremer – Aye, Arguimbau – Aye
3-0-2 Motion Passed

Motion: To accept meeting minutes from April 7, 2022.

Cremer moved

Geller seconded

Geller- Aye, Avery – Abstain, Wasserman – Abstain, Cremer – Aye, Arguimbau – Aye
3-0-2 Motion Passed

8:20 PM	Other Business	Approve April 21, 2022 Meeting Minutes
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Members approved minutes as amended.

Motion: To accept meeting minutes from April 21, 2022.

Avery moved

Cremer seconded

Geller- Aye, Avery – Aye, Wasserman – Abstain, Cremer – Aye, Arguimbau – Aye

4-0-1 Motion Passed

8:30 PM Other Business Conservation Administrator Update Continued

Philibert discussed criteria for administrative approval on projects. He explained a letter he would like to individualize as needed for contacting property owners with permission to move ahead with projects. Working with DEP and state regulations is a priority for the commission and the department. Also Bordering Land Subject to Flooding came up as a concern – to make sure projects are in compliance with current regulations.

8:40 PM Motion to Adjourn

Motion: To adjourn

Cremer moved

Geller seconded

Geller- Aye, Avery – Aye, Wasserman – Aye, Cremer – Aye, Arguimbau – Aye

5-0-0 Motion Passed