

Conservation Commission Meeting  
Virtual Meeting  
June 16, 2022

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Jon Wasserman and Keevin Geller. Alan Westman, Stephen Cremer 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 7:36pm.

**7:38 PM      Public Hearing** COC DEP#SE-280-0606, 161 Billings Street – DPW, Stump Removal

Philibert reported to the commission that he had performed a site visit and all the work had been completed per plan.

**Motion:** To close out the file and issue a Certificate of Completion for DEP#SE-280-0606.

Wasserman moved

Avery seconded

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

4-0-0 Motion Passed

**7:39 PM      Public Hearing** OOC Extension DEP#SE-280-0612, 990 Boston Providence Highway – David Wluka, Hotel

David Wluka was not present. Members discussed the plan and status of the project and voted to issue a three year extension.

**Motion:** To issue a three year extension permit for DEP#SE-280-0612.

Geller moved

Avery seconded

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

4-0-0 Motion Passed

**7:42 PM      Public hearing** RDA, 1 Forsythia Circle – John Comeau, Deck and Hot Tub

Members discussed the scope of the project with the applicant. There was a question as to whether the wetland line coincides with the conservation easement. There is an expanse of grass between the wetland that isn't a steep slope and it being maintained as lawn. The only thing preventing administrative approval is the size of the footings. The potential impact to the wetlands is minimal because there is a good stretch of lawn as long as the RDA includes a silt sock to catch anything but it is only suggested, not necessary.

Arguimbau asked if the bump out feature on the deck is on the old deck as well or just to accommodate the hot tub. Comeau informed the commission that the addition will include a bump out on the original deck for the hot tub. Arguimbau asked the applicant how the footings will be dug for the project. Comeau answered that all digging will be done by hand.

Arguimbau and Philibert discussed having Philibert perform a site visit prior to work beginning to inspect a potential silt sock along the 50 foot line for erosion control. Philibert noted an 8" sock will suffice.

**Motion:** To issue a negative determination on the condition that the Conservation Administrator perform a site visit to inspect erosion controls prior to the start of work.

Avery moved

Wasserman

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

4-0-0 Motion Passed

<b>7:52 PM</b>	<b>Discussion Topic</b>	<b>46 Harold Street Violation</b>
----------------	-------------------------	-----------------------------------

Following up from a discussion held at the June 2, 2022 meeting, the property owner of 46 Harold Street, David Conforto, was present to update the commission on plans to bring his property into compliance with the WPA and town bylaws. Conforto informed members that the shed on his property will be removed on July 11, 2022. He will then remove crushed stone and riprap and take out the berm. Next, he will remove the concrete pad. Philibert will perform a site visit to inspect the soil prior to the anticipated fall plantings. Conforto plans to work with New England Wetland Plants, Inc. in Hadley, MA.

Philibert shared his screen to show the hand written planting plan. Arguimbau suggested Conforto come to a July meeting to discuss whether or not any filings would be necessary for the new plans for the yard.

<b>0:00 PM</b>	<b>Continued Public Hearings NOI, 61 Eisenhower Dr – Yury Deych, Wetland Replication Continuance and any other action needed</b>
----------------	--

Members voted to continue the hearing to the first meeting in July and discussed simultaneously pursuing any alleged violations that have already taken place on the property. Philibert had spoken with Andrew Poyant from DEP who told him that enforcement should be pursued and that he would be willing to perform a site visit with Philibert if needed. Poyant also strongly recommended contacting the landowners prior to any site visits and explain why the commission and department would be there so the landowner cannot claim ignorance later.

Avery and Philibert discussed a letter Philibert drafted to the landowners regarding the violations in question. Philibert informed members that the former Conservation Administrator, Greg Meister, had sent a cease and desist letter referencing fill and ditching. Philibert also noted that he visited the site with Peter Fletcher and there was no subsoil on top of native soil. Avery asked whether the cease and desist letter referenced action? Avery expressed interest in knowing the clear limits of where the fill took place and where the restoration must happen.

Conservation Commission Meeting  
Meeting Minutes June 16, 2022

Philibert informed members it will take some digging and the terrain is composed of varying conditions. He recommended investigating what was below the areas of crushed stone on the property.

Avery expressed concerns about issuing the letter and taking action on the property without a clear understanding of the limits of what the commission would be asking the landowner to do. If the parties cannot agree on the location and limit of remediation needed, Avery was not optimistic there would be a resolution. Arguimbau suggested another site visit with Poyant and Fletcher if possible. Arguimbau also stated that the commission may need to outline a definitive section of the land which could be addressed. Avery restated her concerns about contacting the landowners without precise requests that the landowner could meet or fail to meet regarding WPA violations. Philibert agreed that clarity is a priority. He informed members that the google earth images clearly illustrate on-site clearing although there is still a question about what would be the best replanting options. He stated it would be difficult to prove where a ditch exists but that it would be possible to make a case for where the fill is.

Geller asked if the DPW may be able to assist with digging on site. Philibert agreed that working with the DPW may be an option and noted that there was language in the cease and desist letter from Meister that prohibiting the landowner from bringing equipment to the site. Avery noted that driving over a wetland will compact everything underneath it. Philibert shared his screen to show the google earth photos, showing images from 2018 depicting a pile of rocks that were clearly not a natural feature. He noted there is definitive evidence land was cleared and there is potential evidence land was smoothed if not altered additionally. Arguimbau suggested authorizing Philibert to do additional research and evaluate the soil. Philibert said he could send a separate letter to the landowner stating he will be investigating the soil on site.

Arguimbau and Avery discussed the cease and desist letter on file as well as previously submitted NOI that were later withdrawn. Avery stated the importance of getting on site to evaluate whether any work has been done to bring the site into compliance. She suggested proposing a plan for the landowner to commit to bringing the property into compliance as well as comparing the language to Meister's original letter. Arguimbau stated that Fletcher's work will be crucial to this part of the process.

Philibert shared his screen to show Meister's letter. Members discussed the terms. There was a delineation with approval on record in 2006. Arguimbau requested the files as well as an ORAD from 2003 giving the original limits. Avery also requested the ORAD from 2003. Arguimbau suggested a site visit in July. Philibert stated he had seen maps with two different dates as well as Fletcher's report with test pits that helped determine the limit from where the proposed replication area is.

**Motion:** To continue the hearing for the NOI filed for 61 Eisenhower Drive to the first meeting in July.

Wasserman moved  
Geller seconded

Avery - Aye, Wasserman – Aye, Geller – Aye, Arguimbau – Aye  
4-0-0 Motion Passed

**8:18 PM**      **Discussion Topic** Trail Stewards – Kurt Buermann

Conservation Commission Meeting  
Meeting Minutes June 16, 2022

Kurt Buermann addressed the commission on behalf of the Sharon Friends of Conservation. Buermann brought the topic of the Trail Stewards program up for discussion. Currently most of the trail maintenance including the reporting system is handled by the Sharon Friends of Conservation. Buermann has concerns about the longevity of the program and would like to explore the idea of the Conservation Commission overseeing these tasks. Buermann has been contacting other towns like Pepperell where the overseeing body is the Conservation Commission with other community members performing the work. Buermann mentioned the DPW as a possible collaborator in trail maintenance. The amount of trail maintenance requiring a chainsaw is of great concern to Buermann. He has discussed the matter somewhat with other towns as to potential legal problems that may arise if someone who is not certified uses a chainsaw. Buermann noted he will look into this concern further. Buermann also suggested the group could monitor signage and litter on the trails.

Philibert walked part of the Massapoag Trail with the intern, Brendan Arnold, and confirmed there are portions of the trail where fallen trees requiring a chainsaw for removal are blocking the pathway. He stated concerns about allowing volunteers to use chainsaws on town property whether certified or not. He suggested contacted Keven Weber as he had spoken with him previously on the matter. The DPW takes care of 90% of fall trees currently.

Arguimbau praised the work the Sharon Friends of Conservation have been doing and noted that this topic will be revisited in July or August.

<b>8:35 PM</b>	<b>Discussion Topic</b> Conservation Administrator Update
----------------	---

Philibert praised the work Brendan Arnold, the department intern, has done so far including: renaming files, working with Kurt Buermann, and checking the lake. Arnold is currently studying political science and biology with an interest in environmental policy.

<b>8:37 PM</b>	<b>Discussion Topic</b> Community Gardens
----------------	---

Arguimbau informed members that the Sharon Community Garden has expressed interest in coming under the purview of the Conservation Commission. They have done research and found there are other towns where the Community Gardens work under the Conservation Commission. Arguimbau explained that with the department recently taking over Stormwater Management and Dam Management it may not be timely to consider taking on the Community Gardens as well. Currently the Recreation Department is involved with the Community Gardens due to their location and proximity to the Deborah Sampson ball fields. Currently, there are discussions happening about relocating the gardens from their current location to the Horizons for Youth field at the intersection of Lakeview Street and Morse Street. Arguimbau noted the need for additional discussion.

<b>8:39 PM</b>	<b>Discussion Topic</b> Open Space and Recreation Plan Status
----------------	---

Arguimbau informed members that although the ADA section of the Open Space and Recreation Plan is still incomplete, she thinks it is worth considering submitting the plan as it is now and make a note that it is still being worked on.

<b>8:39 PM</b>	<b>Other Business</b> Approve June 2, 2022 & June 2, 2022 Exec. Session Minutes
----------------	---

There were not enough members present at the June 16<sup>th</sup> meeting who were also at the June 2<sup>nd</sup> meeting to take a vote.

**8:41 PM      Other Business Summer Meeting Dates**

Katz will circulate an e-mail to members asking their preference for the July meeting (July 14, 2022 or July 21, 2022). The August meeting will take place on August 11, 2022 if a quorum is anticipated.

**8:44 PM      Motion to Adjourn**

**Motion:** To continue the hearing for the NOI filed for 61 Eisenhower Drive to the first meeting in July.

Geller moved

Wasserman seconded

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

4-0-0 Motion Passed