

Conservation Commission Meeting
Virtual Meeting
October 20, 2022

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Jonathan Wasserman, and Stephen Cremer. Colin Barbera, Alan Westman, and Keevin Geller 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, 2022 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 March 31, 2023. 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 7:30 pm.

7:30 PM	Public Hearing(s)	COC DEP#SE280-0631 12 Indian Lane, Shanna Belenky Addition to Single Family Home
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Philibert reported to members that the project was completed per plan. The applicant delivered a signed, stamped, and as built plan to the office. He screen-shared a photo of the completed project. There were no questions or comments from the commission. Arguimbau instructed the applicant to contact the office to receive paperwork.

Motion: Motion to issue a Certificate of Compliance for DEP#280-0631 for a project located at 12 Indian Lane.

Cremer moved

Wasserman seconded

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

4-0-0

7:38 PM	Continued Public Hearing(s)	NOI 61 Eisenhower Drive, Yury and Maya Deych Wetland Replication
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Scott Goddard and Tim McGuire of Goddard Consulting were not present at the meeting, but had contact Philibert prior to the meeting, asking for more time to gather and compile the information Philibert and commission members had requested.

There were 14 sites Philibert and Peter Fletcher previously identified. Philibert expressed concern that a single DEP sheet would not be enough data for the commission to make a proper assessment of the land. Arguimbau and Avery shared his concerns. It was agreed that location specific data would be helpful to evaluate the information. Members would also like to know the number of flag locations which will be evaluated. Avery and Philibert discussed elevation areas and the benefits of knowing how deep the soil probes will be. Avery noted that depths to groundwater would be beneficial and should be noted when collecting data.

7:43 PM	Discussion Item	6 Arboro Drive, Igor Tsinman – Garage Replacement
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Mr. Tsinman shared his proposed project with the commission. He would like to demolish an existing detached garage with a cracked foundation, and rebuild it as an attached garage. Philibert had concerns with the proposed project's proximity to the wetland on his property.

Arguimbau and Avery praised the presentation and informed the property owner all the information presented would be appropriate for a NOI filing which the commission requested.

7:57 PM	Continued Public Hearing(s)	NOI 61 Eisenhower Drive, Yury and Maya Deych Wetland Replication
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Members voted to continue the hearing to a date suitable to the applicant.

Motion: To continue the hearing for an NOI for 61 Eisenhower Drive to a date suitable to the applicant.

Cremer moved

Avery seconded

Avery – Aye, Cremer – Aye, Wasserman – Aye, Arguimbau – Aye

4-0-0 Motion Passed

7:58 PM	Discussion Item(s)	Lake Update
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Philibert reported to members that the lake level is at 9.44 and there had been cyanobacteria sightings earlier in the week. The LMAC did post some notifications. Debbie Tatro will be contacting the EPA to see if there is data that may be useful as a baseline for comparing newly gathered sample data. Arguimbau informed the commission that the LMAC is preparing to either extend their current OOC or file an AOOC before the springtime. Philibert discussed the benefits of suction harvesting (with complete plant removal there will be no phosphorous released as with herbicidal treatment).

8:03 PM	Discussion Item(s)	Conservation Administrator Update
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Philibert updated members that the Eagle Scout candidate, William O’Leary, who had recently presented his proposal has decided not to move forward with that plan: constructing two boardwalks along Massapoag Trail near Ashcroft Road. He will be contacting the SFOC to see if there is a more suitable location for a boardwalk.

Philibert also updated members that DER had assured Philibert that the Great Cedar swamp project will come to fruition. Philibert would like to see a control structure with a wheel that moves rather than flashboards at the site.

A new bookkeeping matter is before the commission. There is an issue of recently issued permits as well as a backlog from many years not being registered at the Norfolk County Registry of Deeds. DEP suggested registering the documents for applicants and then charging them the \$106 fee. Philibert noted that Krishan Gupta and the accounting department would need to be consulted if the commission were to set up an account for covering the fees. There are two issues needing resolution: how to proceed with recently issued permits and how to remedy the sizeable backlog of unregistered permits. Members decided instead of filing the documents and then charging applicants, moving forward, it would be best to make registered the permits a mandatory special condition for all permits. The topic will be further discussed at the November meeting. Katz has contacted the registry about filing options (digital or others) and what it would look like if the town registered on applicants’ behalf.

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Philibert reported to commissioners that he attended his last MACC training where he learned about enforcement and related issues. Written consent was highly recommended as unauthorized site visits for violation and enforcement purposes could be considered civil rights violations. It was also suggested that Conservation Departments ask their Town Counsel to ascertain whether or not permission granted by an NOI gives a department permission to gather evidence for a violation.

Members decided the November meeting would be held on November 3, 2022.

8:28 PM Other Business Approve August 11th, September 29th, and October 6th, Meeting Minutes

Motion: To accept minutes for the August 11, 2022 meeting.

Cremer moved

Wasserman seconded

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

4-0-0 Motion Passed

8:28 PM Other Business Approve September 29, 2022 Meeting Minutes

Motion: To accept minutes for the September 29, 2022 meeting as amended for clerical errors.

Cremer moved

Avery seconded

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

4-0-0 Motion Passed

8:28PM Other Business Approve October 6, 2022 Meeting Minutes

Not enough members present to take a vote.

8:32 PM Adjourn

Motion: To adjourn

Wasserman moved

Avery seconded

Cremer – Aye, Avery – Aye, Westman – Aye, Arguimbau – Aye

4-0-0 Motion Passed