

Conservation Commission Meeting  
Virtual Meeting  
January 19, 2023

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

Arguimbau opened the meeting by reading the Governor 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 7:34 pm.

<b>7:36 PM</b>	<b>Continued Public Hearing(s) NOI 61 Eisenhower Drive, Yury and Maya Deych Wetland Replication SE280-0648</b>
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Tim McGuire from Goddard Consulting was present on behalf of the applicant. He shared his screen and pulled up revised plans. Goddard Consulting had sent the department soil data with an attached report and related revised plans on Wednesday, January 18, 2023. McGuire thanked the commission for having patience and said it would be understandable if more time was needed to evaluate the information. McGuire indicated that the applicants' findings support a revised plan pushing the wetland line further towards the street. It is also their position that the previously constructed replication area is a functioning wetland resource area.

A new addition to the proposal includes an invasive species removal plan in support of the variance request previously. The applicants believe removing invasive species on the property will provide great benefit for the town. With this proposed plan, the applicants are seeking a variance for work allowed within the 50 foot buffer.

McGuire clarified that the 1" is 20' scale on a 24x36 print out of the plan. Westman requested additional time to review the soil data, revised plan, and invasive species management plan. Geller and Cremer agreed with Westman's request.

<b>Motion:</b> To continue the public hearing for DEPSE280-0648 to February 2, 2023.
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Westman moved Geller seconded Cremer - Aye, Westman - Aye, Geller - Aye, Arguimbau - Aye 4-0-0
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<b>7:46 PM</b>	<b>Discussion Item</b>	<b>Enforcement Update: 61 Eisenhower Drive</b>
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Arguimbau began the discussion by stating that new revisions to NOI Dep# SE280-0648 and receipt of requested information does not negate the fact that there is still an enforcement issue before the commission regarding 61 Eisenhower Drive.

Tim McGuire on behalf of Goddard Consulting participated in the discussion regarding DEP# SE280-0648 and agreed that the violation must be addressed. It is his team's position that there were never allegations of fill on the site, just ditching and cutting of vegetation. He reiterated what Attorney Adam Brodsky had stated previously: they believe those enforcement items were satisfactorily addressed with DEP and the Conservation Commission in a prudent way with the constructed replication area. McGuire said again that his team is hopeful that addressing the presence of invasive species on the property with a management plan will remedy the situation.

Arguimbau closed the discussion after making note that members will review the new information and be prepared to discuss the matter at the February 2, 2023 meeting.

<b>7:51 PM</b>	<b>Discussion Item</b>	DEP# SE280-0612 2R 4R General Edwards Hgwy/ 990 Providence Hgwy, David Wluka
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Philibert informed members that after speaking with David Wluka, he anticipates receiving an RDA in time for the February 16<sup>th</sup> meeting for a project located at 2R 4R General Edwards Highway. The new plan will keep the construction of a warehouse entirely outside of the buffer.

<b>7:52 PM</b>	<b>Discussion Item</b>	DEP# SE280-0425 Lake Mgmt. Extension & Geese Mgmt. Lake Massapoag Advisory Committee, Debbie Tatro
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DEP# SE280-0425 was last extended in in 2020 and is set to expire on 5/6/2023. Debbie Tatro came before the commission asking for a three year extension and to discuss a potential AOOC filing. In addition to the extension, members of the LMAC discussed with Commissioners the desire to add in language allowing for additional treatment options moving forward. They would like the language in the OOC to permit: diver assisted suction harvesting, hand pulling, and barrier method controls. Arguimbau discussed showing proposed locations on plans when they come before the commission to formally ask for the extension and AOOC. The commission agreed by consensus that and AOOC would be appropriate for integrating additional methods and a new filing would be unnecessary.

Laura Russell also spoke on behalf of the LMAC and hopes the TRC report: "Lake Massapoag Water Quality Assessment and Aquatic Plant Mapping Sharon, Massachusetts" TRC Project No. 481848.0000.0000, specifically pages 11 and 19 will be reviewed prior to the next meeting. This portion of the report deals with sediment sampling greater than 30 feet deep which is related to thermal stratification in the summer in deep holes. A potential future treatment could involve alum treatment. Philibert noted costs are of concern for this method and that would need to be addressed. If the alum method is used in the future, there will need to be a change in the timeline described in the orders as well as the proposal dated April 6, 2004 submitted by Lycott Environmental, Inc. for the aquatic vegetation management at Lake Massapoag Proposal/Contract # W-286-04.

A question came up as to whether the applicants should be the Select Board or the LMAC, it will be discussed at the next meeting.

<b>8:18 PM</b>	<b>Discussion Item</b>	COC 65 Eisenhower Drive, Huy Pham In ground pool, DEP# SE280-0641
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Philibert shared his screen to show pictures of the site located at 65 Eisenhower Drive and recommended that the commission vote to issue a COC for DEP# SE280-0641.

**Motion:** To close the hearing and issue a complete Certificate of Compliance for DEP# SE280-0641 for a project located at 65 Eisenhower Drive.

Geller moved

Cremer seconded

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

4-0-0

<b>8:20 PM</b>	<b>Discussion Item</b>	Stormwater Permit Forms
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The forms were circulated for review.

<b>8:21 PM</b>	<b>Discussion Item</b>	Lake Update
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Philibert reported that he opened the gate to bring the lake level down, it was at 9.96 earlier in the day and should be at 9.8. Earlier in the week the highest it got was 10.2, about 4 inches over where it should be this time of year.

<b>8:22 PM</b>	<b>Discussion Item</b>	Conservation Administrator Update
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Eversource contacted the department regarding the replication area at the Canton Street Substation as 1 year report arrived. Philibert visited the site. Some woody vegetation seemed dead at the top but the roots seemed ok. Philibert contacted VHB to let them know it looks fine and the commission looks forward to the year 2 report.

<b>8:23 PM</b>	<b>Other Business</b>	Interloc
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Historically, Mass Audubon had agreed to put a CR on five parcels abutting Rattlesnake Hill in exchange for Mass Audubon's contributions for obtaining Rattlesnake Hill. Of the five parcels, only two were not owned by CC. The Select Board owned them and has since voted to turn the care of the parcels over to the CC. A formal vote is necessary to accept the land transfer.

The parcels connect to three other parcels that abut RH but are not part of the RH purchase. All together the protected land is almost 500 acres in total.

**Parcel 1 – 1571 Bay Road** Assessor's Parcel ID 55-10, consisting of approximately 70 +/- acres of land. For title reference, see Tax Taking recorded in the Norfolk County Registry of Deeds in Book 3370, Page 519; also see Notice of Disposal in Tax Lien Case recorded with said Registry at Book 3893, Page 5.

**Parcel 3 – 252R Mountain Street** Assessor's Parcel ID 54-18. For title reference, see Deed from Harold I. Long to the Town of Sharon recorded in the Norfolk County Registry of Deeds in Book 4814, Page 726.

**Motion:** To accept from the Select Board of the following land, for conservation purposes, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended and of Amended Article 97 of the Massachusetts Constitution:

Parcel 1 – 1571 Bay Road and Parcel 3 – 252R Mountain Street.

Westman moved  
Cremer seconded  
Cremer – Aye, Westman – Aye, Geller – Aye, Arguimbau – Aye  
4-0-0 Motion Passed

**8:28 PM Other Business Approve June 2, 2022 Executive Session Minutes**

June 2, 2023 Executive Session minutes accepted as amended.

**Motion:** To accept

Cremer moved  
Westman seconded  
Cremer – Aye, Westman – Aye, Geller – Abstain, Arguimbau – Aye  
3-0-1 Motion Passed

**8:28 PM Other Business Approve December 1, 2022 Meeting Minutes**

December 1, 2023 minutes accepted as amended.

**Motion:** To accept

Wasserman moved  
Avery seconded  
Cremer – Aye, Westman – Aye, Geller – Abstain, Arguimbau – Aye  
3-0-1 Motion Passed

**8:28 PM Other Business Approve January 5, 2023 Meeting Minutes**

January 5, 2023 minutes accepted as amended. Minutes will be corrected to spell Bill Trout as Bill Traut and other grammatical errors.

**Motion:** To accept

Geller moved  
Westman seconded  
Cremer – Abstain, Westman – Aye, Geller – Aye, Arguimbau – Aye  
3-0-1 Motion Passed

**8:32 PM      Other Business      Topics Not Anticipated**

Philibert reported to member that 24 Paul Revere Road has activity not approved going on. He reached out to the developers and property owners. He shared his screen to show photos. There is no silt sock, it is buried underneath a row of boulders. Nothing in the plan discussed terracing or boulders. Philibert believes there was work done beyond 10-20 ft. where it was agreed upon. That also puts them closer to the wetland. The silt sock should have been 74 ft. from the wetland and it is about 64 ft. from the wetland.

Arguimbau asked if Oberlander, the engineer, had been informed of the matter. Philibert reported that he had also reached out to Oberlander. He had to previously reach out to Oberlander when erosion controls were not put in place per plan. Philibert asked members to consider inviting the applicants in for a meeting to discuss the work.

There is no sediment or erosion control in place currently as the silt sock is currently buried. Arguimbau stated a cease and desist letter for any work in the buffer could be appropriate. She would like to invite David Oberlander to join the property owners. As it was an RDA and not an NOI, this needs addressing at a meeting.

Philibert discussed that this work is not being done to plan. Geller agreed, he thinks it should be a cease and desist on the land work. Cremer also agreed. Westman questioned whether the cease and desist until they come in or is there a course of action that they could get started on beforehand? Philibert would like to see new sediment and a new silt sock and a new limit of disturbance put down on the property. Westman liked the idea of the property owners beginning to remedy the concerns. Arguimbau shared concerns that the work may continue even though it is not being done per plan if the applicants are given instructions of what to remedy before meeting. Westman agreed and questioned whether or not the contractor was acting with or without the property owners' knowledge. Arguimbau said notification would be sent to property owner, engineer, and contractors.

**Motion:** To contact the owner, contractor, and engineer to repair the silt sock, meet at next meeting, only perform work that is has been allowed until such time.

Geller seconded

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

4-0-0 Motion Passed

Next meeting will be February 2, 2023 and members discussed the need for new members and advertising with local organizations.

**8:45 PM      Adjourn**

**Motion:** To adjourn

Cremer moved

Westman seconded

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

4-0-0 Motion Passed