

Conservation Commission Meeting
Hybrid (Remote and In-person) Meeting
April 27, 2023

This open meeting of the Sharon Conservation Commission was conducted in a hybrid format (both remote and in-person) consistent with An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, signed into law on June 16th, 2021, and as amended and extended through March of 2025. These provisions allow public bodies to meet remotely if reasonable public access is afforded so the public can follow along with the deliberations of the meeting. For this meeting, the Conservation Commission and interested parties convened in person and additional interested parties also attended by video/teleconferencing via Zoom. Members of the public were provided with access information so that they could attend or follow the meeting remotely. All votes were conducted via roll call.

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

Conservation Commission Chair, Peg Arguimbau opened the meeting by reviewing the ground rules for the meeting. Roll call was taken of members and staff present and included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Stephen Cremer, Keevin Geller, Susan Drisko, and Alan Westman. Commissioner Jon Wasserman was not present. Staff present included Josh Philibert, Conservation Administrator.

7:30 PM	Public Hearing	AOOC Lake Massapoag Aquatic Species Management DEP# SE280-0425, Debbie Tatro presenting for the Lake Massapoag Advisory Committee
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Debbie Tatro, representing the Lake Massapoag Advisory Committee (LMAC) began her presentation discussing a map showing the locations of invasive aquatic species in the lake in 2022. She stated that when the original Order of Conditions (OOC) was issued in 2002, they were dealing with two invasive species – fanwort and variable milfoil. The milfoil is somewhat under control, but the fanwort is still an issue. Tatro mentioned that the map is not entirely accurate, with some dense patches and other more-open areas. The southern Lagoon contains the densest fanwort. Aquatic weeds are also present along the main town beach (Memorial Park Beach). Hand pulling of weeds is proposed at three areas shown on a separate map mailed to abutters.

Tatro explained that the original OOC was for the use of the herbicide fluoridone. The LMAC would like to add both hand pulling and diver-assisted suction harvesting (DASH) to the amended OOC. Both methods were explained to the Commission.

Tatro gave an update on the feedback received from the state Natural Heritage and Endangered Species Program (NHESP). Three rare species were reported by the NHESP. Tatro explained that a botanical survey is required by NHESP before work can be done in areas where these species may occur. The survey cannot be completed until later in the summer when the plants are more-easily identified. DASH will not be performed in the South Cove before the survey is complete. Hand pulling is allowed and will occur in Fletcher’s Cove and possibly along Memorial Park Beach.

Tatro explained that the LMAC would also like to add benthic barriers to the amended OOC, although there are rare species constraints to the use of this method as well. Westman asked if there were negative side effects associated with benthic barriers. Tatro mentioned some drawbacks. Leslie Koval (resident) asked for a description of a benthic barrier, and they were further described. Laura Russell of LMAC added some details regarding the level of fanwort growth in the southern Lagoon.

Arguimbau stated that she felt the Commission was comfortable with the addition of the DASH and hand pulling to the OOC. She suggested that the benthic barrier be included in the OOC, but that the LMAC would need to come before the Commission again to explain the details of any benthic barrier use.

Arguimbau asked for questions or comments. Hearing none, she proposed a motion to accept the proposed changes to the OOC, including adding the DASH, hand pulling, and benthic barrier, as discussed, with a condition that all NHESP requirements would need to be met.

There was a brief discussion of the NHESP constraints related to an identified rare mussel.

Members voted to approve the applicants' request for an amended OOC for DEP# SE280-0425.

Motion: To issue the amended Order of Conditions as proposed with the updated conditions for DEP# SE280-0425 as requested.

Westman moved
Geller seconded

Geller – Aye, Avery – Aye, Cremer - Aye, Westman – Aye, Drisko – Aye, Arguimbau – Aye
6-0-0 Motion Passed

7:45 PM	Discussion Item	Borderland State Park, Blanding's Turtle Habitat Improvement Project, Zoo New England, MA DCR, Andrew Buckley
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Members of the project team introduced themselves: Bryan Windmiller, Associate Director of Field Conservation with Zoo New England, and Andrew Buckley, Park Supervisor for Borderland State Park.

Windmiller discussed a trial habitat enhancement project at Morse Pond within Borderland State Park. The pond is home to the state-threatened Blanding's Turtle, and there are about 25 present in the pond. The habitat requirements of the turtle were described. One deficiency is the lack of nesting sites. The other is a lack of cover for immature turtles. The proposed project is to add emergent shrubs to the pond to provide cover from predators such as otters and raccoons.

Windmiller described some of the other efforts being done to help the turtles, such as raising newly hatched turtles in captivity for 9 months before release, and the creation of an upland

nesting area. He further described the planting plan and planting location. No other actions, aside from planting, are proposed as part of this effort.

Windmiller asked about the required filing necessary for this project. Arguimbau stated that a Request for Determination of Applicability (RDA) would be sufficient. Geller inquired about other turtle species in Morse Pond and offered an observation about possible Blanding's Turtles in Sawmill Pond off Canton Street in Sharon. Windmiller suggested that Geller's observations may have been spotted turtles. Geller further described his observation, and the other possibility mentioned by Windmiller was a Red-eared Slider. There was some discussion of local turtles.

Arguimbau asked about the timing of the proposed plans and discussed scheduling submission of the RDA.

8:00 PM	Discussion Item	Conceptual Bog Restoration Plan, Ninety Five LLC and Ardent Group, Shawn Callaghan
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Shawn Callaghan of the Ardent Group presented plans for the restoration and "renaturalization" of the cranberry bogs located at 715 and 715R South Main Street. Arguimbau and Philibert had met previously with Callaghan on site to discuss the project. Callaghan began with a review of the history of the bogs and the proposed restoration plans.

Callaghan summarized the site conditions including the flow of water and the plants other than cranberries that have already begun to grow on site. He mentioned the two areas of the invasive common reed (*Phragmites communis*). He mentioned the upland portions of the site and the berms between the growing beds. He suggested that the renaturalization was occurring slowly already without intervention. He mentioned a concern that disturbance of the soils could allow the entry of invasive species and that the removal of the overlying sand would be prohibitively expensive.

Callaghan discussed the benefits of the proposed "pit and mound topography." He stated that excess sand can be incorporated into the adjacent construction area off site. Mounds will be seeded with a seed mix. The pits will be allowed to vegetate on their own. The water control structures would not be adjusted. The pump houses on site would be left on site. *Phragmites* would be over-excavated on the two identified areas. Native plantings would be included in the former *Phragmites* areas.

Callaghan proposed the use of chemical herbicide to follow up on the *Phragmites* removal efforts. He stressed the intent to minimize site disturbance. He shared a map of the site showing the areas of "roughing up" and *Phragmites* removal. Philibert mentioned the presence of larger *Phragmites* stands in the middle pond. He and Avery also questioned the soil used for the mounds, and Callaghan mentioned that the soil for the mounds would be amended.

Philibert discussed means to make the water control structures permanent. Arguimbau mentioned the removal of the central berm dividing the southernmost beds, suggesting that its removal would create one wetland area to the south. There was a discussion of what this would look like.

Avery agreed that minimal disturbance is beneficial. She asked what the goal of the project would be. She stated that a specific plan was needed to address access, hydrology, and construction activities. She expressed concern about the commitment to aging water control structures and the artificial manipulation hydrology. Philibert concurred and commented that MassDER prefers self-sustaining natural systems that do not require human input.

Arguimbau questioned Bob Shelmerdine, Ninety Five LLC legal counsel, about the plan of land showing the area to be transferred to the town. Shelmerdine stated that portions of the northern bog and the two northernmost ponds would be retained by the development. There was discussion of this, and it was agreed between Shelmerdine and Arguimbau that the land transfer would be clarified. Shelmerdine described his understanding of the land to be conveyed.

Comments relayed by Philibert to Callaghan were discussed. Callaghan agreed Phragmites removal is necessary. The use of glyphosate was discussed with the Commission, and it was agreed this would be included in the NOI. Shelmerdine stated that spot elevations will be provided, permanent hydrology established, and the use of the site by walkers will not be a focus of the plan. He said the removal of the berm is not a good idea, and removal of the pump houses and infrastructure is more work than needed.

Arguimbau stated that the sides seem to be in agreement in general. Specifics will need to be included in the Notice of Intent (NOI) filing. Shelmerdine expressed interest in getting the NOI before the commission as soon as possible with the hope of completing this process in the next two months. The discussion ended with plans to further address topics during the review of the pending NOI.

8:50 PM	Discussion Item	Briggs Pond Management Plan Briggs Pond Trustees
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Nita Frank presented on behalf of the Briggs Pond Trustees. She shared a graphic showing water levels observed in past years. Since meeting with the Commission on April 13th, the Trustees revised their water management plan and Frank presented their latest plan to those present. She discussed the lowering of the pond in May to facilitate herbicide treatment. The maximum height proposed following herbicide treatment is 3.70. After August 15th, the water level will be lowered somewhat to 3.40. Through the winter the plan is to maintain the water at 3.00 to 3.20.

David Dubois of the Trustees stated that he is able to manage the lake level frequently, even daily when necessary. There was discussion of a table showing historical water levels. Arguimbau suggested lowering the highest water level to reflect historical norms. Details of the plan were shared by Dubois.

Arguimbau suggested a motion to accept the new Briggs Pond Water Level Management Plan with the possibility for adjustment later.

Philibert clarified that this should not be considered the Commission expressing an opinion on, or taking a side in, any Brigg Pond homeowners discussion of water levels and impacts from

such on shoreline property. That is for the members of the pond association to settle among themselves.

Motion: to accept the new Briggs Pond Water Level Management Plan with the possibility for adjustment later.

Drisko moved
Avery seconded

Geller – Aye, Avery – Aye, Cremer - Aye, Westman – Aye, Drisko – Aye, Arguimbau – Aye
6-0-0 Motion Passed

9:00 PM Discussion Item Lake Update

The lake level was recently just below 10.30. Philibert mentioned the anticipated rain may be the last best chance to bring the water level up significantly prior to the trees leafing out.

9:05 PM Discussion Item Conservation Administrator Update

Philibert mentioned a potential residential addition proposed within the wetland buffer for a home on Falcon Road. He mentioned that there are some upcoming developments that are staying out of wetland buffer, and those projects will be before the Commission for stormwater filings. Arguimbau reminded members about the mandatory ethics training.

9:10 PM Adjourn

Motion: To adjourn

Cremer moved
Geller seconded

Geller – Aye, Avery – Aye, Cremer - Aye, Westman – Aye, Drisko – Aye, Arguimbau – Aye
6-0-0 Motion Passed