

Conservation Commission Meeting
Virtual Meeting
May 4, 2023

This open meeting of the Sharon Conservation Commission was conducted remotely 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 convened by video/teleconferencing via Zoom, and members of the public were provided with access information so that they could follow the meeting remotely. All votes were conducted via roll call.

The remote 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, Keevin Geller, Susan Drisko, Jon Wasserman and Stephen Cremer. Alan Westman was not present. Staff present included Josh Philibert, Conservation Administrator.

7:31 PM	Discussion Item	4 Lily Lane, Administrative Land Disturbance Review Alek Chongris, Chongris Engineering, Daniel Ruvinsky
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Alex Chongris shared his screen to show a plan submitted with a letter showing the location of the house and buffer zone boundary on a parcel of land located at 4 Lily Lane. The proposed disturbance, greater than 5,000 square feet triggers the need for an Administrative Land Disturbance Review. Plans include a delineation which shows proposed grading outside the buffer and no plans to fill on the land. The delineation includes a 100 ft buffer in blue and the proposed Cultec chamber to catch roof and driveway runoff.

Arguimbau asked for a description of the vegetation clearing locations. Chongris described the erosion controls serving as the limit of work and explained that the previous owners disturbed the land. The plans will follow the measures set forth in the Conservation Restriction. Arguimbau asked if there were plans for erosion controls in the front of the parcel and Chongris said they would be happy to put them there.

Arguimbau, Avery, and Philibert discussed storm calculations and infiltration systems for roof and driveway runoff with Chongris. He confirmed the roadway basin prevents discharge into the wetland which Arguimbau stated will be noted on the permit. Philibert requested an updated plan showing roof runoff catch increased to 1.5-2. Arguimbau added it should show erosion control extensions in the front yard.

Motion: To issue the Administrative Land Disturbance Permit pending receipt of the amended plan with the additions of an extended erosion control and increase in infiltration runoff.

Geller moved. Wasserman seconded.

Drisko – Aye, Cremer – Aye, Gellerman - Aye, Avery – Aye, Wasserman – Aye, Arguimbau - Aye
6-0-0 Motion Passed

Members discussed whether or not the applicant would need to submit a hard copy of the updated plan moving forward.

7:40 PM	Discussion Item	Bog Renaturalization Plan
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Arguimbau began the discussion asking Philibert and members if anyone had suggestions after reviewing the Ardent Report. GET NAME. Philibert informed members they would not be coming in on the 18th unless they were able to turn in a completed application by May 5, 2023. Arguimbau reminded the commission that there was a question as to the ownership of the pond and waters on the parcel during the previous discussion on the matter. Town Counsel has been consulted and Arguimbau is waiting to hear from them.

Arguimbau and Philibert visited the site and noted there is phragmites presence on two sides of the Second Pond. They also learned that there is Japanese Knotweed producing fertile seed as well as at least 2 other types of knotweed present on the land. Philibert posed a question about the presence of phragmites upstream and repercussions of its reproductive cycle. Avery agreed with the need to investigate the answer to the question and noted rhizomes as playing a primary role in reproduction. Drisko added that there was seed ability for knotweed but that she was unsure about phragmites.

Philibert noted the standing water surrounding the pond curtails the ability to use herbicide unless it was dug out. Avery noted smothering the growth with a blanket is another option. Philibert discussed his experience working with the Boston Park Department and limited success blanketing growth. Avery suggested using metal mesh as it weakens the shoots yearly though it is not as effective as roundup. Drisko mentioned the possibility of using an aquatic version of Roundup called Rodeo. Avery questioned whether that was advisable near drinking water recharge.

Avery refocused the discussion on identifying the commission's goals as well as success and performance standards. She noted that the historical agreement of the landowner turning over working cranberry bogs did not result in a working plan due to cost and production ability. She questioned whether the commission was considering asking the landowner to hire a consultant to do enough work to turn the bogs into a naturalized wetland. The issue of who would fund the work and who would perform the work was in question under that type of agreement.

Avery additionally discussed the necessity for the commission to articulate what success would look like. Arguimbau noted the Ardent report describes a three-year timeframe for phragmites. If the commission were to accept ownership before the third year, it would have to allow for work done and hope as much as possible was completed.

Wasserman asked if there were previous discussions about the cost of returning the land to a working cranberry bog. Arguimbau described the negotiations with the landowner and

information presented by Fred Bottomley. The landowner never agreed to that plan or dollar amount a new grower would need to make the harvest worth the cost and work. The cranberry market, and the location of the bogs added to the complications.

Arguimbau discussed the need to reflect on the plans in the Ardent report. One option described pitting and mounding. She questioned whether or not that was best course of action in locations where wetland plants like red maples and pussy willow were already showing growth. Geller noted that if left alone, the land would likely turn into an upland instead of a wetland. Arguimbau agreed.

Laura Nelson of Edge Hill Road, interested resident, noted her presence at the meeting.

Arguimbau restated the intent of the discussion: the commission needs to come up with what it thinks is the best plan for reaching decided upon goals and see how that meshes with the Ardent plans. Drisko commented on the need to control phragmite growth before dealing with the proposed plan to naturalize the land. Drisko stated that was the number one goal in her mind. Arguimbau noted that Shawn Callaghan of Ardent seemed amenable to their concerns.

Avery discussed calling for 80% returning to a bog as a performance standard while limiting phragmite presence to no more than 25%. She noted the NOI process has to do with regulatory and performance standards in compliance with the Wetlands Protection Act and Town of Sharon Bylaw as well as DEP review. She encouraged members to utilize long term planning regarding hydrology and the presence of human structures on the land as a guide.

Philibert and Avery discussed the presence of native soil under the sand and further downstream. Arguimbau stated she believed the northern bog closest to the back was the newer of the bogs. She added that the report discussed removing sprinkler heads, pump houses, and some older water control structures. Arguimbau described visiting the site with Philibert and discussing removing the berm that runs perpendicular to South Main Street and filling in ditches on either side to balance elevation levels.

Philibert suggesting breaching the berm in a few places instead or removing it entirely. He also noted the presence of Canada geese nesting there. Avery shared her screen to show an aerial image and discussed the topography of the parcel. Arguimbau identified the second berm, running perpendicular to the first berm on the image. She noted Billings Brook flows into the top of it. She also noted that there is now a detention basin as part of the wetland replication that was discussed in the early 2010s/teens.

Philibert described multiple control structures on the land. His priority is to establish a wetland hydrology and rid the site of phragmites. He noted some of the control structures are rotting and crumbling. He discussed removing them and replacing them. He used Trowelshop Pond's cascading rocks as an example of a type of potential replacement. Arguimbau encouraged members to review the Ardent report while considering what action to perform regarding control structures.

Avery and Philibert discussed water flow in the watershed area. Philibert shared his screen to identify a map he marked with arrows identifying areas of water flow crossing Route 95. Avery

noted the importance of understanding the watershed while considering removing control structures.

Arguimbau invited Laura Nelson of Edge Hill Road to address the commission. Nelson informed members she read through meeting minutes for discussions on the bogs and questioned why the plan residents approved at Town Meeting was not coming to fruition. Arguimbau provided a summary for Nelson and agreed it was a point of concern. Part of the problem is that the commission approached growers who were not interested in harvesting these bogs due to location and financial viability. She also noted there was concern that the town would be charged with the task of maintaining the bogs for decades. Arguimbau also described how the bogs were harvested until 2015 when the land was under different ownership but had since declined in shape. She noted the decline in herbicide use in proximity to two town wells (#5 and #7) could be considered beneficial to the town. Arguimbau agreed it was a troublesome issue while also mentioning the new plans would protect three ponds that feed into Gavin's Pond.

Philibert added that in addition to the financial problems or restoring the land to a working cranberry bog, there were not farmers interested in joining the town on the project. The lack of water in the adjoining ponds do not provide enough water to perform wet harvesting. Historically, growers performed a dry harvest on the land which requires a different set of equipment. The commission has since been unable to find a grower who is interested. The department has reached out to the MA Cranberry Association.

Nelson reiterated her concerns that the residents agreement at Town Meeting to change zoning bylaws for construction of commercial retail establishments on site included a measure ensuring the bogs would remain in working condition for perpetuity.

Arguimbau asked members to review the matter and provide feedback to Philibert before the 18th regarding performance standards and specific instructions for the landowner.

Avery, Philibert, and Drisko discussed whether equipment would be needed to alter the berms. Arguimbau answered that the land was wide enough for a mini bobcat to excavate. Drisko asked for clarification as to what will be discussed. She noted the goal is the long-term health of a wetland area which may take longer than the three years proposed in the Ardent report to evaluate.

8:28 PM	Discussion Item	Lake Update
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The lake level was too high by a couple of tenths and Philibert reported that it was reaching the bottom of some peoples' docks. While he is not looking to flood anyone's docks, he is hopeful that the excess water will be useful in flushing out algae or in drought conditions. He opened it up a little on May 4, 2023.

At the end of the Lake Update, Avery noted that Laura Nelson had posted in the zoom chat that she was looking for the Ardent proposal. Philibert said he would send her the documents after the meeting via e-mail.

8:31 PM	Discussion Item	Conservation Administrator Update
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Philibert reported to members that the DPW cleared some trees on the inbound side of the train station. In addition to the 40x40 sf clearing, they plan to relocate the bike racks. The MBTA want racks under the bridge for an electric bike stash as part of an eco-tourism campaign. The clearing does fall within Conservation Commission jurisdiction, but the department received a letter from someone who lived in the neighborhood asking for the commission's opinion. The Select Board has the final decision which may come before the May 18th meeting.

Philibert also informed members that the new owner of Diamond Estates contacted the department to discuss an expired and a remaining part of the OOC, a wetland replication plan. Members discussed possible courses of action such as issuing a Partial Certificate of Compliance and suggesting the permit holder file an RDA for remaining work. It was decided MACC and Andrew Poyant would be contacted for further guidance.

The FY24 budget was approved at Town Meeting and Jana Katz will be working 30 hours for the department starting in July. April meeting minutes will be taken up at the May 18, 2023 meeting.

8:48 PM	Motion to adjourn.
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Motion: Motion to adjourn

Cremer moved.

Drisko seconded.

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

6-0-0 Motion Passed