

Conservation Commission Meeting
Virtual Meeting
June 15, 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, Keevin Geller, Susan Drisko and Stephen Cremer. Alan Westman arrived at 7:45PM. Vice Chair, Meredith Avery, and Jon Wasserman were not present. Staff present included Josh Philibert, Conservation Administrator.

7:32 PM	Continued Public Hearing	NOI 715 & 715R South Main Street, DEP# 280-650 Ninety-Five LLC, Ardent Group, Shawn Callaghan
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Shawn Callaghan from the Ardent Group as well as Attorney's Bob Shelmerdine and Matt Watsky were present on behalf of the applicant, Ninety-Five, LLC at the continued public hearing from DEP# 280-0650 for the naturalization of the cranberry bogs located at 715 and 715 R South Main Street. The hearing was continued from June 1, 2023.

Callaghan began with comments on the commissions' previously discussed concerns regarding the project. He assured members that the updated plans included a third phragmites-removal area that was identified at the May 25th site visit. Second, he stated that the updated plans would include a logical numbering system for water control structure as well as notes as to what materials will be replacing what is currently there (whether it be aluminum or pressure-treated wood).

DEP had previously been unable to issue a DEP # for the plan because the project scope exceeded a limit of 5,000 square feet of disturbance in a BVW. The current proposal would result in only 4,900 square feet of temporary disturbance. The sequence of construction would still include a phragmites removal portion. Under the new plan configuration, the phragmites removal would take place under a Farm Plan with an agricultural exemption. The phragmites removal work would no longer be calculated into the total square foot of temporary disturbance if it were to be considered part of a separate farm plan. The decrease in temporary disturbance work proposed in the NOI would bring the project into permissible scope. Since the applicants' submitted this new plan, DEP was able to issue # SE280-0650.

Updated plans showed additional elements that the Conservation Commission had requested, some 300+ new plantings including eight new species and 1.5 times more trees. At least three additional species of shrubs as well as milkweed have been identified on the updated planting plan. Easily visible herbaceous layers, labeled phragmites removal areas, and wildflower areas

were also apparent on the updated plans. Callaghan and Arguimbau discussed in detail the types of wetlands on the plans and their correlating color scheme. The goal of the project is to create healthy Palustrine Shrub-shrub (PSS), Palustrine Emergent (PEM), and Palustrine Forested (PFO) wetlands while minimizing disturbance in creating micro-topographical changes to the land and installing native plantings.

Members discussed phragmites removal performance standards for success. Members agreed on including language in the special conditions requiring approval of all phragmites removal efforts. There will be a two year monitoring period that can run concurrently with the NOI work after the initial phragmites removal takes place under the Farm Plan. Callaghan stated he would be over excavating the area to ensure all of the root systems will be removed. Drisko asked for language identifying who would be monitoring the removal be included in the OOC. Members, Philibert, and Callaghan also discussed the disposal of phragmites after removal. Language will reflect requirements to bury the debris in the special conditions.

Shelmerdine and Philibert then brought up the easement for discussion. Arguimbau reminded members the easement will grant the Conservation Commission and town employees to access control structures while Ninety-Five, LLC still owns portions of the land. Philibert shared his screen. Shelmerdine identified the ponds, bogs, 125 wetland setback, and 100 foot buffer on the plans.

Continuing the hearing, Shelmerdine brought up the grant and MOU for discussion at Arguimbau's instruction. Some stormwater control structures run through the land in question. The grantors reserve the right to maintain stormwater features as may be necessary on behalf of Sharon Galleries. The public is not granted any right to enter the easement area unless the grantees, the Conservation Commission and employees need to enter the area for reasonable purposes. Water levels, vegetation management, water control structure repair, filling former excavation beds, and maintaining walking structures were listed as examples of reasonable purposes. The document also gives the grantor the ability to come back before the Conservation Commission and ask to do work within the 100 foot buffer if needed. The documents will be signed by Cranberry Place, LLC, the Conservation Commission, and the Sharon Select Board.

Edge Hill Road resident, Laura Nelson, discussed public access and praised the commission for its work on the matter. Callaghan agreed to send the updated NOI that was given to DEP and Philibert will distribute it to members. Members agreed to close the hearing and issue an OOC inclusive of all areas touched upon during the hearing regarding work in the bog area and easement language.

Motion: Motion to close the hearing and issue an OOC for DEP# SE280-0560 for a project located at 715 and 715R South Main Street.

Geller moved.

Drisko seconded.

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

5-0-0 Motion Passed

Motion: Motion to accept the deed of the 28.36 acres located at 715 and 715R South Main Street, Sharon, Massachusetts, from Cranberry Place, LLC to the Town of Sharon acting by and with the Conservation Commission.

Cremer moved.

Geller seconded.

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

5-0-0 Motion Passed

Motion: Motion to accept easement as amended.

Drisko moved.

Cremer seconded.

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

5-0-0 Motion Passed

8:38 PM Public Hearing

AOOC Lake Massapoag Aquatic Invasive Species
Management, DEP# SE280-0425
Town of Sharon Select Board, & LMAC

Arguimbau began the hearing by reading the public notice. Laura Russell and Debbie Tatro were present representing the LMAC on behalf of the Select Board. They were joined by Peter Hilpl from Camp Everwood.

Deb Tatro addressed the meeting giving some background on the situation. Cyanobacteria are photosynthetic bacteria; blooms are more occurring more frequently with higher intensities and longer durations both globally and locally. In 2021, Lake Massapoag was closed for two weeks in July and blooms continued into October. Cyanobacteria is considered a neurotoxin at high levels. Conditions in which it can thrive are: nutrient-dense water (in Lake Massapoag, phosphorous levels are a major concern), warm temperatures, sunlight, and still/stagnant water. With the increasing temperature trends, cyanobacteria are considered better competitors to other types of phytoplankton. The LMAC started collecting data in 2022. It is generally believed that phosphorous levels above .025mg/l provide conditions in which cyanobacteria can bloom. Average lake levels in 2022 were .035mg/l, and higher in the south cove. It is believed decades of septic and fertilizer use has contributed to high phosphorous levels. The LMAC is proposing two pilot strategies to address these issues.

The LMAC has been working with the companies TRC, and Water and Wetland to gather data (TRC) and devise application strategies (Water and Wetland) for addressing phosphorous levels in Lake Massapoag and their contributions to cyanobacteria blooms. The LMAC would like to target the South Cove with pilot treatments as the lagoon is the first point of inflow for a lot of phosphorous. The lagoon is nutrient rich and lush with growth. The LMAC believes this is a good point to intercept the phosphorous.

Using Eutrosorb Filter Socks to intercept soluble phosphorous from moving water is the first strategy the LMAC would like to employ. Members of the LMAC came before the Conservation

Commission bringing this up as a discussion item at the June 1, 2023 meeting. The proprietary material in Eutrosorb socks will intercept the phosphorous from moving water until all the binding sites are exhausted. The material will not dissolve in water. It can be replaced about every eight weeks to ensure continuous absorption. It is considered a best management practice for stormwater filtration and is anticipated to remove about .25 lbs. of phosphorous. Five socks would be strategically placed near the Community Center and Everwood Day Camp, where water flows into the south cove.

The second method the LMAC would like to amend the OOC to include is a low dose alum treatment. The LMAC continued the hearing by educating members about both low dose and high dose alum treatments. Like the discussion at the June 1, 2023 on high dose and low dose treatment, the hearing provided information about both types of alum treatments. Although the LMAC was talking about both types of alum treatments, they made it clear that they are currently only looking to amend the OOC to include low dose treatments. Adding alum to the water can create aluminum hydroxide which is safe for humans and aquatic life, it is an active ingredient in many ant-acids. Sodium aluminate is added to the compound in order to neutralize the aluminum sulfate's effects on the lake water. Proposed treatment areas include: areas in the south cove that are over 5' deep. Plans include blanketing the area with the alum treatment to prevent phosphorous in sediment from being released into the water.

Discussion continued with follow up questions about both methods. Cremer asked about the composition of the Eutrosorb socks and any potential negative effects on the water. Tatro confirmed the material is non-toxic and can be used as a soil amendment and/or taken to a landfill after use. There is limited concern about fine clay dust being released from the material when first put in the water but that can be reduced by wetting the substance before submerging it in the lake.

Laura Russell added that state regulators from the Department of Fish and Wildlife as well as NHESP and DEP were recommending these two treatment options given the presence of endangered species in the lake. Tatro added that low dose alum treatment has been proven not to harm the rare mussel present in Lake Massapoag.

Members discussed tanker truck access for alum application purposes as well as data collection. They agreed to amend the OOC to include low dose alum treatment and Eutrosorb socks in the South Cove.

Motion: Motion to issue an AOOC for DEP# SE280-0425 to include installation of Eutrosorb Socks and application of low dose alum treatment in the South Cove of Lake Massapoag.
Cremer moved.
Geller seconded.
Cremer – Aye, Geller – Aye, Drisko – Aye, Westman – Aye, Arguimbau – Aye
5-0-0 Motion Passed

Philibert summarized the conditions requiring filings under Section II of the new stormwater bylaw provisions. There are currently two permit categories. There is one for projects over one acre and one for projects between 5,000 square feet and under one acre. Projects triggering filing an NOI would address stormwater concerns and conditions that through the NOI process. It is likely the applications only triggering the stormwater bylaw will be mostly single family house lots that are completely on an upland. Most new house lots do not apply to this scenario. The applications the department has so far received were reconstructions on an upland lot. Roof runoff infiltration, driveway runoff infiltration plans, site stabilization, sediment erosion control and potential site specific concerns will be evaluated on case by case basis.

For larger sites, the department would likely seek out a third party consultant with expertise in the area. The DPW has also agreed to potentially be of service.

Cremer talked about increase in teardowns and related increase in non-pervious surfaces being built. He noted that most reconstruction areas will create at least 5,000 square feet of disturbance.

9:05 PM	Discussion Item	Lake Update
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Current lake level is 10.6. There has been little wind.

9:10 PM	Discussion Item	Conservation Administrator Update
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Anticipated meeting dates for the rest of the summer are: July 13th and August 10th.

Drisko reported back to members that the Neponset River Watershed Association and the Sustainable Sharon Club cleanup event was a great success and praised Rory McGregor's efforts for bringing the community together.

Philibert will be volunteering with the Native Plant Trust participating in an aquatic survey in Norton and Attleboro.

9:17 PM	Motion to Adjourn
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Motion: Motion to adjourn

Cremer moved.

Drisko seconded.

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

5-0-0 Motion Passed