

Conservation Commission Meeting
Virtual Meeting
September 7, 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 by the Chair, Peg Arguimbau.

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

7:30 PM	New Hearing	RDA 27 Everett Street, Josh Hasenfus Trustees of Reservation, Water Service Project
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Josh Hasenfus presented a proposed plan for water service project on the property located at 27 Everett Street on behalf of the Trustees of Reservation. The infrastructure on site dates back to the early 1900s when the building, which is now used for the Trustees archives and research center, was a hospital for patients with tuberculosis. Multiple repairs over the last five years have addressed leakage problems in the water service. The proposed project will install a new water service to replace failing service. The installation will include directional drilling under a perennial stream and within the buffer zone to eliminate the need for trenching in the resource zone and associated buffer. Hasenfus identified the perennial stream and vegetation, the driveway shown on the GIS, and the limit of work.

Avery asked if the drill pits will be outside the 100 ft buffer, Hasenfus confirmed that will be the case. Wasserman asked about the location for the meter pit. Hasenfus said it will be located outside of Conservation Commission jurisdiction and praised the work the Water Department has done to help with the project. Geller praised the use of directional drilling.

No abutters were present. Members agreed to close the hearing and issue a negative determination per plan. Avery added she would like to make a frack out plan a condition of the negative determination.

Motion: Motion to close the hearing and issue a Negative Determination with the condition that a frack out plan be included as a special condition.
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Drisko moved

Avery seconded

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

5-0-0 Motion Passed

7:40 PM	Discussion/Action Item	168 Ames Street, Natasha Kovalchuk
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Property owner Natasha Kovalchuk discussed her idea to renovate an existing structure on her property located at 168 Ames Street, and add a bathroom to the building. Philibert identified the Massapoag Brook, perennial streams, and Knifeshop Pond on GIS imagery while she described her desired plans. Arguimbau explained to Kovalchuk that the commission would need more information and plan specifics to make a determination. Specifically, septic connections and plumbing seem problematic. The chair suggested Kovalchuk put a plan on paper and submit it to Philibert so he can give some direction and feedback for what information the Conservation Commission would require to make a decision.

7:50 PM	Discussion/Action Item	90 Aspen Road, Ghazi Saab, Clearing in the buffer
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Arguimbau began the discussion thanking the property owner, Ghazi Saab of 90 Aspen Road, for attending the meeting. Philibert had visited the site and been in contact with Mr. Saab prior to the meeting. Saab was asked to attend the meeting in response to Philibert becoming aware unpermitted cutting had taken place on his property. Using aerial imagery, Philibert was able to identify a portion of Saab's property where unpermitted clearing had taken place.

Saab apologized for the work and said he was not aware the work was done in the buffer zone.

Philibert shared photos of the land and described the site. Arguimbau asked Saab if he performed the cutting. Saab informed members that a friend of his and his friend's son brought a saw and ladders for the cutting. A company was not used for the cutting.

Members agreed a replanting plan was necessary to recreate a vegetative buffer to the wetland with trees and shrubs. A botanist would be needed to devise the plan which should include trees not saplings. The timeline was a concern for members. Drisko worried about invasive growth in the open space as well as increased disturbance if debris were removed. The chair explained to Saab that the area is currently in violation because work was done without a hearing or OOC. She explained that the goal of this discussion was figuring out a way for Saab to get back in to a state of compliance. Philibert suggested Saab contact him at the office the Friday following this meeting with questions. Saab agreed to do that.

8:10 PM	Discussion/Action Item	Encroachment, 3 Lily Ln Simon & Vlada Zilberman
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The Zilbermans had previously agreed to remove the layers of wood chips on top of and surrounding a line of boulders on their property that they believe has the structural integrity to serve as a retaining wall. The commission had requested removal so the line of boulders could be properly inspected as the commission questioned whether it would function as a retaining wall in the immediate and long term future. The update Zilberman provided to the commission was that they were having trouble finding contractors who would be able to remove the wood chips without going into the buffer zone. Zilberman noted that because landscapers had put fill on top

of the rock formation, it will take more machinery to remove it and increase visibility. They hope to return to the commission in two weeks with photos for a discussion.

8:12 PM	Discussion/Action Item	DEP#SE 280-0610 Birch Hill Subdivision David Wluka
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David Wluka informed the Conservation Commission that DEP#SE 280-0610 will likely be amended before it expires in November of 2023 to include a subdivision plan.

8:22 PM	Discussion/Action Item	Conservation Administrator Update
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Philibert informed members he will be taking a vacation from September 15th to September 25th.

8:24 PM	Other Business	Approve Minutes
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Motion: To accept the minutes for the April 13, 2023 meeting

Avery moved

Wasserman seconded

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

4-0-1 Motion Passed

Motion: To accept the minutes for the August 10, 2023 meeting

Drisko moved

Wasserman seconded

Avery – abstain, Wasserman – Aye, Geller – Aye, Arguimbau – Aye, Drisko - Abstain

4-0-1 Motion Passed

8:29 PM	Other Business	Topics not anticipated within 48 hours of posting agenda
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Arguimbau reminded members to complete the Conflict of Ethics training mandated by the state.

Philibert informed members the development agreement regarding work done on the Cranberry Bogs at 715 and 715R South Main Street will be going before the Select Board on September 12th. Ardent anticipates beginning phragmites removal next week.

8:31 PM	Discussion/Action Item	Follow Up to WMAC Meeting August 17, 2023
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Avery recused herself and exited the meeting.

David Hearn from the Water Management Advisory Committee was present.

The Chair began the discussion noting the meeting had been very interesting and concerning with a lot of earth disturbance required regardless of location site.

Philibert asked Hearn to address the 0% interest rate loan available. Hearn explained that if the funding request for the project can be finalized and voted on at the Fall Town Meeting, it would make the town eligible to apply for a 0% interest loan from the state. This would save approximately \$4-\$5 million in project cost. It is a matter of timeliness as the 0% interest loan is only available for a limited amount of time.

Philibert asked Hearn if there was any update on guidance from the state regarding flood elevations and where the Moose Hill site would need to locate a building. Hearn answered that he was not aware of any updates and noted the WMAC had not held their follow up meeting to the August 17th meeting yet.

Arguimbau asked Philibert to discuss the piping diameter concerns and how they would affect each site. Philibert informed members that Well #4 is the most productive well. From an infrastructure standpoint, it seemed more favorable to send water from less productive wells to Well #4.

Hearn added that Well #3 also has iron and manganese in the water. Long term treatment plans for these wells were part of the master plan regardless of the PFAS Water Treatment Facility project. From a cost effectiveness perspective, integrating the treatment for iron and manganese and the PFAS treatment plan makes sense.

Drisko wanted clarification as to what the Conservation Commission's role is in the decision making process. Wasserman stated that the Conservation Commission is not being asked to endorse a plan and reminded members there has been no formal submission yet. Philibert added that he thinks the idea is for the Select Board to have an idea if the commission has problems with any of the proposals from a wetlands standpoint. Hearn suggested that it might be helpful for the WMAC if the Conservation Commission evaluates site proposals from an impact perspective.

Arguimbau expressed a desire to have this discussion when more members who were present at the August 17th joint WMAC meeting are present. Members were in agreement. The matter would be put on the agenda for the September 21st or October 5th agenda.

8:51 PM	Motion to Adjourn
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<p>Motion: Motion to adjourn</p>

<p>Geller moved</p>

<p>Drisko seconded</p>

<p>Geller – Aye, Drisko – Aye, Wasserman – Aye, Arguimbau – Aye</p>

<p>4-0-0 Motion Passed</p>
