

Conservation Commission Meeting
Virtual Meeting
January 4, 2024

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, Keevin Geller, Stephen Cremer, Jon Wasserman, Susan Drisko and Alan Westman. Staff present: Josh Philibert, Conservation Administrator, and Jana Katz, Conservation Clerk

Members of the public in attendance: DPW Superintendent Eric Hooper, Finance Committee Vice Chair, Ira Miller, Sharon Standing Building Committee Chair, Matt Grosshandler, Sharon Standing Building Committee Member Rick Rice, Sam Liao of the Transportation Advisory Board, Attorney Jamy Buchanan Madeja, Attorney Bob Shelmerdine, Sarah Price of Environmental Partners, Adam Kran of Environmental Partners, Margaret McGrath of Weston and Sampson, Allie Goldberg of Weston and Sampson, Russell Waldron of Applied Ecological Sciences, Karlis Skulte of Civil and Environmental Consultants, Scott Henderson of Henderson Consulting Services, Naureen Attiullah, Barbara Stricker, Paul Lauenstein, Frank Xia, and Julia Tavares.

7:33 PM	Discussion/Action Item	Election of Officers
----------------	-------------------------------	----------------------

Motion: to nominate Peg Arguimbau as Chair of the Sharon Conservation Commission.

Geller moved

Wasserman seconded

Drisko – Aye, Cremer – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,

Arguimbau – Abstain

4-0-1 Motion Passed

Motion: to nominate Jon Wasserman as Vice Chair of the Sharon Conservation Commission.

Cremer moved

Drisko seconded

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

Wasserman - Abstain

4-0-1 Motion Passed

7:35 PM	Public Hearing	NOI 27 Livingston Rd., Barbara Stricker Add., Patio, & Outdoor Shower, DEP#SE280-0655
----------------	-----------------------	--

Arguimbau read the public notice for DEP#SE280-0655 which ran in the Patriot Ledger on December 13, 2023. Property owners at 27 Livingston Rd., Barbara Stricker and Michael Friedman, filed an NOI for an addition to the single family home, a patio, and an outdoor shower. Scott Henderson and Russell Waldron presented on behalf of the applicants.

Proposed plans include constructing an enclosed three-season room under an existing deck, an outdoor paver patio with an outdoor shower, and replacing a paver walkway. There will be a 9.1% of disturbance on the 54, 052 sf lot. One hundred fifty square feet of new impervious surface will be installed under the existing deck. Two existing impervious walkways will be replaced with permeable designs. The patio underneath the deck is at grade.

As the zoning bylaw has changed since the home was constructed in 1959, it does not meet the current requirements for R2 zoning which necessitate 50% natural coverage on a lot. Members requested the applicant work with Henderson and Philibert to develop a planting plan. They were in agreement to close the hearing and issue an OOC for the project pending receipt of an approved planting plan. The matter will likely close at the next meeting on January 18, 2024.

Motion: to continue the hearing at the applicant's request to January 18, 2024 for DEP#SE280-0655 for proposed construction of an addition to their residential home, and a patio with an outdoor shower as well as replacement of an existing walkway.

Drisko moved

Geller seconded

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

7:53 PM Public Hearing

AOOC Prince Wy. /Bay Rd. (Birch Hill)
Everett Preserve Development
Residential Subdivision, DEP#SE280-0610

Arguimbau read the hearing's public notice, published in the Patriot Ledger on December 28, 2023 regarding the Request to Amend the OOC issued for DEP#SE280-0610.

The Commission issued an OOC with Special Conditions to Charlies Dow, Trustee of the Birch Hill Trust Corp. for DEP#SE280-0610 on November 16, 2020. Plans proposed a residential subdivision located at Prince Wy. /Bay Rd.: Assessors Map #65 and Parcels #85, #88, and #93. Before the initial order expired, a portion of the property was sold to Everett Preserve Development Corporation. Members voted to extend the order to November 16, 2026 at both applicants' request in November of 2023. The Birch Hill Trust Corp. owns: Lots 6-8, Parcels A and B, as well as St. B which are all accessible by Bay Rd. Everett Preserve Development, LLC owns: Lots 1-5, Open Space Parcel, and St. A, all accessible by Prince Wy.

Attorney Bob Shelmerdine and Karlis Skulte of Civil and Environmental Consultants, LLC representing Everett St. Preserve Development, LLC. During the permitting process, the Planning Board and the Conservation Commission approved two different plans. The unintentional inconsistency named a Conventional Development Plan (CDP) in the OOC while

the Planning Board approved a Flexible Development Plan (FDP). Construction began according to the FDP.

Applicants wish to remedy the error by substituting and referencing the FDP in the OOC.

The Flexible Development Plan includes: an open space parcel, a roadway shortened by 70 ft., a larger distance between homes and wetland resources, as well as, a reduction in lot size. The Flexible Development Plan also proposes no work in the 0-50 ft. buffer zone and places all houses outside of the 100 ft. buffer zone.

Members, Philibert, and Skulte also discussed changes in grading and site stabilization. Skulte agreed to provide more information at the next meeting about the 3:1 slopes and erosion controls. Philibert noted that the FDP appeared to include adding 5 ft. of fill into the buffer zone. Skulte noted the high water table related to added fill on site.

Members expressed concerns about protecting the open spaces parcels in perpetuity. Shelmerdine agreed to speak with his client about potential long-term preservation.

Skulte will provide more information about grading and a possible planting plans.

The commission will contact DEP for guidance on permitting the proposed changes as an amendment. The scope of the differences in plans could require a new NOI submission.

Abutters Naureen and Steve Attiullah of 9 Prince Wy. who abut Lot #1 discussed tree removal and proposed setbacks with Skulte. He assured them that the plans comply with zoning laws.

Dow was not in attendance. The hearing will be continued to facilitate his participation. Work within the Conservation Commission's jurisdiction will halt until the next meeting.

Motion: to continue the hearing at the applicant's request, for a requested amendment to DEP#SE280-0655 to substitute the Conventional Development Plan referenced by the original OOC for a Flexible Development Plan; the hearing will be continued to January 18, 2024.

Drisko moved

Wasserman seconded

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

6-0-0 Motion Passed

**8:32 PM Continued Public Hearing NOI 000 Upland Rd. (Tree Ln), Eric Hooper, DPW
Water Treatment Plant, DEP#SE280-0653**

Eric Hooper, the DPW Superintendent, present as the applicant for DEP#SE280-0653, sought an Order of Conditions for a proposed water treatment plant at Well #4 located off Tree Ln. Sarah Price and Adam Kran of Environmental Partners joined him. Margaret McCarthy and Allie Goldberg from Weston and Sampson, the third party who performed the independent project review requested by the commission at the last meeting, also presented at the hearing.

McCarthy described the report's components. Weston and Sampson, tasked with comparing the financial and environmental costs of constructing the facility at Well #4 off Tree Ln. versus Well #3 off Farnham Rd. served as a third party independent consultant.

In addressing constructability with regard to impacting Beaver Brook, Weston and Sampson considered the plan for Well #3 as less desirable than the Well #4 location. As the Well #3 site would require horizontal drilling for three separate water mains, it comes with additional risk when compared to the Well #4 plan which would only necessitate one water main crossing Beaver Brook. In addition to the amount of impact related to each plan, McCarthy noted increased vulnerability with the Well #3 plan. Situating the water treatment plant at the Well #3 site would require all of the town's water supply to traverse under Beaver Brook for distribution. Any maintenance issues with the stream crossings would impact the town's entire water supply. The Well #4 plan only requires raw water from the Well #3 site to reach the Well #4. Any problems associated with the stream crossing would be limited to only the portion of water resources the town receives from the Well #3 site.

Goldberg described the methodology for estimating project costs associated with horizontal directional drilling using data from a 2021 horizontal directional drilling project. They added a conservative estimate for costs associated with subsurface conditions. Weston and Sampson estimate the project would cost \$824 per foot. The number was similar to the estimate previously provided by TCI at \$825 a foot.

Arguimbau invited Attorney Jamy Madeja Buchanan, an attorney representing 4Sharon, comprised of Tree Ln. abutters to speak in response to the report's findings. She restated 4Sharon's position that utilizing the Well #3 site, while costing more than the Well #4 site proposal, does not preclude the Well #3 site from being considered a "practicable and substantially economically equivalent" alternative. The WPA instructs commission's to consider potential site alternatives which meet that requirement when comparing the difference in environmental impact. She also referenced 4Sharon's position that the riverfront area impacts associated with the Well #4 site plan are avoidable because of the viable site alternatives.

Members reviewed the WPA's criteria for evaluating site alternatives which does not include impacts to abutters. The Well #4 location is considered a previously disturbed site, and the plan is within the limit of 10% disturbance. The project does meet the definition of "no significant impact." DEP does require mitigation as a ratio of 2:1. The plan's estimated disturbance would trigger about 46,000 sf of mitigation along the river front area.

Mass Grosshandler, Chair of the Sharon Standing Building Committee (SSBC), summarized some of the criteria the SSBC considered when deciding the Well #4 site was the most appropriate choice: abutter impact, land disturbance, wetlands delineation, site access, land clearing, and deep shoring.

Members acknowledged the high degree of difficulty in coming to a decision on this proposal. They welcomed Tree Ln. abutter, Julia Tavares to restate her opposition to the Well #4 plan and the design process. Grosshandler invited her to give feedback to the SSBC during the public comment period when the matter comes before it.

Members voted to finalize the vote and issue the OOC for DEP#SE280-0653 for construction of a permanent water treatment plant located at the Well #4 site, 000 Upland Rd. (Tree Ln.) at the January 18, 2024 meeting. Orders will reference the design plans dated December 6, 2023. The OOC will include special conditions and an updated planting plan reflecting the priorities within the commission's jurisdiction that were discussed at this meeting. The applicant agreed to continue a hearing provided that the commission vote to approve the conditions at that time.

Motion: to approve the water treatment plant proposed in DEP#SE280-0653 at 000 Upland Rd. and vote on January 18, 2024 to approve special conditions to be issued in the Order of Conditions.

Drisko moved

Geller seconded

Drisko - Aye, Geller - Aye, Wasserman - Aye, Cremer – Aye, Arguimbau – Aye, Westman – Abstain
5-0-1

*Note: when the initial vote was taken Westman voted aye and later changed his vote to abstain as he was not present at the majority of continuances regarding the hearing for DEP#SE280-0653. The minutes reflect his final vote.

9:55 PM	Discussion/Action Item	Lake Update
----------------	-------------------------------	--------------------

Due to precipitation causing extremely high water levels, Philibert is discharging an excessive amount to reduce the level from 9.9 to 9.5. The Lake Massapoag Advisory Committee is considering adding aeration treatment to continued plans for alum treatment and Diver Assisted Suction Harvesting (DASH).

9:58 PM	Discussion/Action Item	Conservation Administrator Update
----------------	-------------------------------	--

Philibert sent a letter to a resident whose lot is in violation of clearing in the buffer, though there is evidence in historic aerial photos that the clearing took place before the current owner obtained the property. Philibert hopes to avoid formal action and come to an agreement with the landowner to let vegetation grow and reforest portions of their land. Members agreed with that plan.

Additionally, Mr. Saab at 90 Aspen Rd. who was before the commission under similar circumstances on September 7th, is working with Ken Thompson to remedy the situation.

Cremer encouraged members to go outside after the meeting view fireballs radiating out of the north sky from the Little Dipper. Though peaking tonight, they will be visible into next week.

10:05 PM	Other Business	Adjourn
-----------------	-----------------------	----------------

Motion: to adjourn.

Cremer moved

Drisko seconded

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

6-0-0 Motion Passed
