

Conservation Commission Meeting  
Virtual Meeting  
December 21, 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 16<sup>th</sup>, 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 and Susan Drisko. Alan Westman was absent. Staff present: Josh Philibert, Conservation Administrator, and Jana Katz, Conservation Clerk. Members of the public in attendance: DPW Superintendent Eric Hooper, Water Division Supervisor, Robert Terpstra, Finance Committee Vice Chair, Ira Miller, Attorney Jamy Buchanan Madeja, Frank Xia, Julia Tavares, Ken Thompson, Sam Liao, Adam Velthaus, and Christ Pimental, and Susanne Howard.

<b>7:32 PM</b>	<b>Continued Hearing</b>	NOI 000 Upland Rd. (Tree Lane), Eric Hooper Water Treatment Facility, DEP#SE280-0653
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Eric Hooper introduced Sarah Price who gave a brief presentation about the cost analysis performed for a scenario where a water treatment plant would be constructed at multiple well sites per the Conservation Commission's request.

Price began the presentation which included: project updates, recent approvals, probable costs for multiple treatment plants, and additional information about horizontal directional drilling.

Because Well #2 flood zone site constraints, the raw water would need to be pumped to Well #4 at Tree Lane. The total cost of \$48,983 would cover construction of facilities at both Well #4 (which would include treating raw water from Well #2) and Well #3 at Farnham Road. This amount is approximately \$12,645 more than the proposed plan in the NOI for a sole water treatment plant to serve the entire town – located at Well #4.

Both plans would necessitate horizontal directional drilling, specifically: a trenchless method of installing underground utilities. This commonly used practice is appropriate for rivers and sensitive crossings. Benefits include: minimized environmental impact, reduced soil disturbance, and frugal cost estimates. Challenges include: the potential fracking of drilling mud which can be mitigated with a frack out plan.

A plan proposing the sole water treatment plant at the Farnham Road, Well #3 site, would put the entire town's water supply in a vulnerable position should any problems arise with three horizontal directionally drilled stream-crossings.

The plan proposed for a water treatment plant at the Well #4 site, has received MEPA compliance approval, and approval at the town's Special Town meeting to pursue funding options that would cover the Well #4 site.

The first public commenter was Attorney Jamy Buchanan Madeja on behalf of the group 4Sharon, largely made up of abutters to the Well #4 site. She recapped a letter she sent earlier in the day to the Conservation Department regarding their concerns with the proposed plan. Please see letter attached for the record.

Hooper addressed concerns.

1. The NOI does not include plans for administrative offices on site.
2. The proximity of the proposed site to a neighborhood requiring special consideration for Environmental Justice is a greater issue at the Well #3 site rather than the Well #4 site.
3. Hooper questioned the formal qualifications of the water specialist 4Sharon consulted in researching their concerns about the site plan.
4. Hooper asserted any concerns about Article 97 are not applicable.
5. Cost analyses were performed and verified by the DPW, Environmental Partners, and OPM which provides independent analysis for the Sharon Standing Building Committee.
6. Delaying the permitting and construction process should 4Sharon take legal action would lead to higher project costs.
7. Cost is an allowable priority under the RWA and an allowable consideration under the WPA.
8. The Tree Lane site is not the sole option within the RFA. Seven building sites at three well locations were considered, including two building orientations at the Tree Lane site. The second option at the Tree Lane site was configured in response to abutters' concerns regarding the building's location in proximity to the residential neighborhood.

Next, members and abutters discussed options to keep the hearing open and continue it to the January 4<sup>th</sup> meeting to allow the commission to consider 4Sharon's most recent correspondence. Abutters requested a third party provide environmental impact analysis as well as cost estimates for infrastructure differences between Well #3 and Well #4 possibilities. Members agreed to ask Weston and Sampson to provide the aforementioned analysis in time for the commission to review the information ahead of the January 4<sup>th</sup> meeting. Margaret McCarthy from Weston and Sampson agreed to provide a report to the commission by the morning of January 3<sup>rd</sup>. With Hoopers ascension members moved to continue the hearing to the January 4<sup>th</sup> meeting.

**Motion:** to continue the hearing on DEP#SE280-0653 for a Water Treatment Plant located at 000 Upland Road to the January 4, 2024 meeting at 8:00PM.

Drisko moved

Cremer seconded

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

5-0-0 Motion Passed

**8:52 PM Public Hearing**

NOI 350 Mountain St., Dmitry Deych  
Variance for residential const. DEP# SE280-0656

Ken Thompson presented on behalf of the applicant, Dmitry Deych after Arguimbau read the public notice published in the Patriot Ledger on December 13<sup>th</sup>. This after-the-fact NOI for a proposed single family house intends to address current problems on site. Work performed last November included: clearing land; installing a foundation; and constructing two retraining walls per plan. The applicant is requesting a variant to allow a 16% impact on the buffer zone. The property contains an isolated vegetative wetland and two vernal pools. Retaining walls are located within less than 40 feet from the IVW and a vernal pool.

The site is also home to a protected turtle habitat triggering additional approval from the NHESP. The applicant is requesting a variance to allow for land disturbance in proximity to a vernal pool on the property.

Philibert, Building Inspector David Abbott, and Deych have agreed upon remediation work to be completed before the proposed work in the NOI begins. Work would include: reinstalling erosion controls, removing fill, mulching the area, and installing a turtle fence.

Members voted to close the hearing pending receipt of a planting plan, allow the applicant to proceed with the mitigation plans, and begin the proposed work outlined in the NOI once Philibert inspects the site and the Order of Conditions is registered with the Norfolk County Registry of Deeds.

**Motion:** to close the hearing pending receipt of a planting plan, allow the applicant to proceed with the mitigation plans, and begin the proposed work outlined in the NOI once Philibert inspects the site and the Order of Conditions is registered with the Norfolk County Registry of Deeds.

Drisko moved

Wasserman seconded

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

5-0-0

**9:12 PM Discussion/Action Item**

Conservation Administrator and Lake Update

Philibert reported presence of two foot waves from crest to trough earlier in the week. Water levels reached summer levels at 10.4 but discharged at double the maximum rate of 40-50 ft per second.

The bog update included photos indicating good water flow. An Ardent representative visited the site to replace metal boards along the far side of the berm. High water levels have not damaged the pit and mound areas.

Philibert continued with Great Cedar Swamp photos familiarizing members with inflow levels and riprap dam location ahead of anticipated meeting in early 2024.

After observing work done in the buffer at the Birch Hill subdivision site, Philibert contacted the applicant's attorneys informing them that there will be an enforcement issue regarding a fire hydrant's location. Relevant parties will be present at the next meeting. Additional hearings scheduled for January 4<sup>th</sup>: NOI DEP# SE280-0563 for the Water Treatment Plan at Tree Lane; AOOC DEP# SE280-0610 for the Birch Hill Subdivision; and a new public hearing for an NOI DEP# SE280-0655 proposed for an addition, patio, and outdoor shower at 27 Livingston Road.

<b>9:18 PM</b>	<b>Other Business</b>	Approve Minutes from Dec. 7 <sup>th</sup> and Nov. 16 <sup>th</sup>
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Members agreed to postpone the vote on the November 16, 2023 Executive Session minutes; members voted unanimously to accept the November 16<sup>th</sup> public meeting minutes. The December 7<sup>th</sup> minutes were approved as amended, correcting a spelling error.

**Motion:** to approve the November 16, 2023 public meeting minutes.

Cremer moved

Drisko seconded

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

5-0-0 Motion Passed

**Motion:** to approve the December 7, 2023 as amended.

Cremer moved

Drisko seconded

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

3-0-2 Motion Passed

<b>9:23 PM</b>	<b>Other Business</b>	Adjourn
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**Motion:** to adjourn.

Cremer moved

Drisko seconded

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

5-0-0 Motion Passed