

Conservation Commission Meeting
Virtual Meeting
March 7, 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, Vice Chair, Keevin Geller, Susan Drisko, Stephen Cremer and Alan Westman. Vice Chair, Jon Wasserman was not present. Staff present: Josh Philibert, Conservation Administrator and Jana Katz, Conservation Secretary.

Members of the public in attendance: Attorney Bob Shelmerdine, Matt MacDonald, Paula De Santiago, Jim Donahue, Suzanne Howard, Georgeanne Lewis, Bill Buckley, Kim Hokanson, Brad McKeen, and Elana Lande.

7:30 PM	New Public Hearing	299-303 N. Main St. Trowel Shop Pond Condominiums, Elena Lande
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Bill Buckley of BDO Engineering represented on behalf of Trowel Shop Pond, LLC who filed a Notice of Intent for a residential condominium complex proposed for 299-303 N. Main Street. The proposal describes a five building multi-family project on 11.7 acres with a 640 ft. long driveway. The parcel, on the south side of N. Main Street contains resource areas within the Conservation Commission's jurisdiction. Resource areas include a Bordering Vegetative Wetland, Bordering Land Subject to Flooding and an Isolated Vegetative Wetland (the latter only identified in the municipal bylaw as a resource area). The property was marked in 2020 with the previous Conservation Administrator, John Thomas, and a third party Pare Corporation consultant. The delineation is on file.

Tom Houston has reviewed the project as a peer consultant for the town. The current plans before the Commission reflect the 17 pages of comments and requests from the ZBA and Houston.

Buckley discussed the stormwater components of the project, noting almost all the runoff on site would flow into the Isolated Vegetative Wetland. Plans prioritize preventing alterations within the 50 ft. local ordinance no-disturb of an Isolated Vegetative Wetland. Each building will have a separate individual drainage system. Each building will also have its own septic system. Because of topography on site, there will be catch basins throughout the property. Clean runoff will go directly into basins. In compliance with Best Management Practices, dirty water will be treated in an infiltration system. Basins will be fenced to prevent children from entering the area. The fences will be situated high enough from the ground to allow for animal crossings. The ZBA and BOH have already approved septic plants. The ZBA granted the Title V waiver.

The applicants would like to donate 6.3 acres in the rear of the parcel along the 50 ft. buffer zone to the town via the Conservation Commission.

Erosion and Sediment Control Plans identified on sheet 6 of the plan illustrate stabilization stone paths at the construction entrance, minimizing disturbance upon trucks entering and existing the area. It also showed sediment basin details, silt sock erosion controls, construction fence protection silt socks, and septic boxes.

Members discussed roadway components including guardrails, parking configurations, and garages; as well as the condominium associations' policies for upkeep and maintenance. Members expressed concerns about the homeowners association wanting to expand individual lots for deck and lawn areas. The alterations could potentially encroach on buffer zones or create negative impacts on the surrounding ecosystem. Buckley agreed to honor their request to see about relocating condominium #5 to create more distance between the backyard and the 100 ft. buffer.

Abutter Kim Hokanson from 13 Gabriel Rd, expressed concerns about the project and urged the commission to refrain from making any more accommodations that may lead to encroaching on the 100 ft marker.

Resident Matt MacDonald of Edge Hill Rd. asked for access to the proposed plans and discussed stormwater management plans in proximity to the pond.

Members agreed to post the plans and NOI on the department webpage. The meeting was continued to March 21, 2024.

Motion to continue the hearing for a proposed condominium complex at 299-303 N. Main St. also known as Trowel Shop Pond Condominiums to the March 21st hearing.

Drisko moved

Geller seconded

Geller – aye, Drisko – aye, Geller – aye, Westman – aye, Arguimbau – aye

5-0-0 Motion Passed

8:30 PM Discussion/Action Items

Interviews with applicants for the vacant
Conservation Commission Position

Paul De Santiago, Brad McKeen, and Suzanne Howard addressed the commission explaining their backgrounds and interest filling the Conservation Commission vacancy. Members applauded all three candidates for the interest and experience. Hopefully by April, the Select Board will interview these candidates and choose someone to join the commission.

8:40 PM Discussion/Action Items

CR and Deed at Sharon Gallery
Attorney Bob Shelmerdine

Bob Shelmerdine on behalf of David Spiegel and Ninety-Five, LLC. Philibert shared his screen showing the Attachment B-4 Key Plan at the Sharon Gallery. Shelmerdine identified four parcels of interest between S. Main St, Interstate Route 95, and Old Post Road known as: CE-1, CE-2, CE-3, and CE-4. All four parcels had a Declaration of Restrictive Covenant placed on them even though they are owned by four different entities. Since the DRC's were initially approved recorded with the Norfolk County Registry of Deeds, NHESP has imposed two addition obligations on two of the parcels: CE-2 and CE-3.

CE-2 is on the property that will be owned by Costco and will remained under its ownership. Since the original recording of the DRC, NHESP has implemented a new requirement: on parcel CE-2, a Conservation Restriction shall be placed and conveyed to the Town of Sharon acting by and through the Conservation Commission. NHESP sent the details and language to Shelmerdine who then forwarded the information to Philibert. As it is a proposed CR, it requires approval from the Conservation Commission, Select Board, and Secretary of the Executive Office of Environmental Affairs.

CE-3 is a parcel still owned by Shelmerdine's client, Ninety Five, LLC. NHESP is requiring the property owner grant the deed to the Town of Sharon acting by and through its Conservation Commission. Shelmerdine sent the language to Philibert which will include language placing environmental protections on the land in perpetuity. As this document will be a deed and not a conservation restriction, it will only need approval and to be signed by the Conservation Commission and then Select Board. Town Counsel and Fred Turkington have reviewed the documents. Shelmerdine is before the commission to ask for acceptance for the plot of land.

The matter will be taken up for a vote at the March 21, 2024 meeting.

8:52 PM	Discussion/Action Items	Annual Town Meeting Articles Laura Russell, Chair, LMAC
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The Massachusetts statute creating procedures and jurisdiction for wetland permitting at the municipal level was enacted in 1972. In addition to the Wetlands Protection Act, local ordinances require posting public notices in newspapers of "general circulation" at least five calendar days ahead of a public hearing. These regulations were enacted when daily printed newspapers were in circulation. The language reflects the common practice of that time.

Since the 1970s many of the newspapers of general circulation have launched a digital issue or gone out of business entirely. The Patriot Ledger is one newspaper that still prints a physical publication. Applicants used to have the choice of where to publicize their hearing. For many years the cost to publish a hearing notice in the Sharon Advocate and then Wicked Local stayed around \$50. The Sharon Advocate is no longer in circulation and the Wicked Local circulation is solely digital, which is not in compliance with the ordinances regarding public notices. Applicants must publish the legally required notice in the Patriot Ledger. This newspaper charges \$275 for notices of these lengths.

Laura Russell, Chair of the Lake Massapoag Advisory Committee, appealed to the Conservation Commission, asking them to support a warrant at the upcoming Annual Town Meeting which would allow a digital publication to be considered a “newspaper of general circulation.”

Additionally, Russell appealed to members asking for support of an initiative in the warrant for Town Meeting that will also deal with technological advancements and abutter notification. As the policy is now, abutters within 300’ feet of a project location receive written notification that there will be a hearing date with a description of the proposed work. Statutes instruct applicants to send abutter notifications via Certified Mail, Return Receipt Requested. In recent years, the United States Post Office has developed an electronic system for sending Certified Mail with Return Receipts Requested. The digital option is less costly than the original method. The warrant asks that the methods of notifying abutters include the use of the United States Post Office’s electronic receipt system. Utilizing the digital methods to meet public notice requirements saves applicant’s money as the digital alternatives are cheaper. Therefore, it makes the permitting process more accessible.

Members discussed the value in having physical cards as proof that an abutter received notification. They also discussed the need to address the wording in the Commonwealth’s Wetland Protection Act, which instructs applicants how to address abutter notification and public meeting notices. Ultimately, members agreed by consensus to support both initiatives.

9:06 PM	Discussion/Action Items	Conservation Commission’s Position on an ATM article regarding CPC funding Debbie Tatro, Vice Chair, LMAC
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Debbie Tatro, Vice Chair of the Lake Massapoag Advisory Committee, presented the LMAC’s request for \$525,000 from the CPC for treatment targeting cyanobacteria blooms by reducing phosphorous levels in lakes and ponds. The requested amount would cover immediate treatment plans while the committee gathers more lab data and rounds out its FY25 plans and long-term agenda. Members agreed that their support for the initiative would aid the LMAC at Town Meeting and agreed to endorse the initiative.

Motion to support the Annual Town Meeting article regarding Lake Massapoag Advisory Committee’s funding request to the Community Preservation Committee for alum treatment in Lake Massapoag.

Cremer moved

Geller seconded

Cremer – aye, Drisko – aye, Geller – aye, Westman – aye, Arguimbau – aye

5-0-0 Motion Passed

9:26 PM	Discussion/Action Items	Extending the Artificial Turf Moratorium Debbie Tatro
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On behalf of Sustainable Sharon Coalition and as an individual resident, Debbie Tatro asked the commission to vote to support the town meeting warrant proposing to extend the 3 year Artificial Turf Moratorium which expires in March. She cited proposed legislation in Massachusetts prohibiting state and municipal entities from purchasing or installing turf. The request is part of a citizens' petition which will go before Town Meeting. The petition requests a five-year extension.

Motion to support the Annual Town Meeting article proposing extending the Artificial Turf Moratorium for five years until 2029.

Drisko moved

Cremer seconded

Cremer – aye, Drisko – aye, Geller – nay, Westman – nay, Arguimbau – aye

3-2-0 Motion Passed

9:40 PM Discussion/Action Items Lake Update

Philibert reported to members that the rain has kept the lake healthy and at great levels. Laura Russell and Debbie Tatro will be tracking temperatures.

9:41 PM Discussion/Action Items Conservation Administrator Update

Philibert reported that Ken Thomson is working with the Zilbermans on Lily Lane. They will be coming before the commission with a formal application for work on their lot.

Elizabeth Essex, owner of part of Essex Pond, near Briggs Pond, contacted the office. She would like to obtain approval from the commission to continue her permitted herbicide treatment. She recently received a letter from NHESP, who instructed her to obtain permission from the Conservation Commission and abutters to continue treatment. Members unanimously agreed by consensus to support Essex continuing the treatment. The original OOC permitting treatment on Essex Pond, DEP# SE280-0574 was issued in 2015, and is currently active.

9:43 PM Other Business Approve Minutes for February 15, 2024

Motion: to approve the minutes for the February 15, 2024 meeting.

Drisko moved

Westman seconded

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

4-0-1 Motion Passed

9:45 PM Adjourn Adjourn

Motion: go into Executive Session and adjourn at the end of the Executive Session until the next meeting on March 21, 2024.

Drisko moved
Geller seconded
Cremer – Aye, Drisko – Aye, Geller – Aye, Westman – Aye, Arguimbau – Aye
5-0-0 Motion Passed