

Conservation Commission Meeting
Sharon Community Center
August 3 2017 - DRAFT

Peg Arguimbau, Chair, Jon Wasserman and Michael Donatelle were the members present. Alan Westman arrived to the meeting at 7.50pm. Meredith Avery, Keevin Geller and Stephen Cremer were not present. The Conservation Administrator, Greg Meister, was also present. Lisa Whalen, Town Counsel was present for the 7:30pm Trespass and Wetlands Violation (31 Gabriel Road) hearing.

A sign-in sheet is on file in the office listing other attendees of the meeting.

The Meeting started at 7:30pm

Arguimbau began the meeting mentioning that at present, there was no quorum. Applicants could present their information; however, no legal activity (voting) would take place.

7:30pm Trespass & Wetlands Violation, 31 Gabriel Road

Gerald Blaire, Attorney, representing the owners of the property (Kelly's). Attorney is present to respond to concerns regarding a letter the Kelly's received from Town Counsel Lisa Whelan (Dated July 14). Blaire noted that the Kelly's purchased the property in October, 1989. When the property was purchased, there was a row of rocks located along the rear of the yard. The rock wall could be seen in photographs taken in 2010. This rock wall denoted the boundary line. Unfortunately, the Kelly's did not realize the wall marked the boundary line. As shown in the 2010 photo, a chain link fence can be seen. When this fence was installed, the surveyor informed the Kelly's that their property line was located beyond the rocks.

At some point, the Kelly's son moved the rocks. There was no malicious intent intended, and the rocks remained on the property in piles.

The Kelly's are proposing to put the rocks back to where they were originally, using a rubber tracked excavator to minimize any damage. A completion date is set for September 30th, though it is hoped that the project will be completed sooner. The Kelly's are also proposing to remove the chain link fence and have indicated that they will agree not to use that portion of the property in the future.

The Kelly's were asked if any trees were removed. They responded that the only trees which were removed were those that were damaged in prior storms. One of the pictures of the property (on file in the office) was shown to Commission members and to Attorney Blaire. Arguimbau asked where the stone wall would be reinstalled. Mr. Kelly mentioned that he believed that the original wall ran from one corner of the fence to the other. It is their plan to put the wall there.

Arguimbau mentioned that as the Kelly's replace the stone wall; they should use this opportunity to get an idea of where their property line is. Though this is not a determining factor of where the stone wall should be placed, with the main point of replacing the wall preventing further impact to Town property, it is important information to know. Meister mentioned that the property line should be reestablished and that the stone wall should be put back in line with the survey. Meister also mentioned that the dog pen, which is currently on Town property, should be removed, along with associated material. Once the Kelly's have removed their stuff from Town property, the area should then be stabilized (with grass, ivy, shrubs, etc..) and not left bare. Alan Westman arrived at 7:50pm.

Attorney Blaire clarified with the Commission what it is they would like of the Kelly's:

- The back end of the property should be surveyed and property line established.
- The boundary should be reestablished with the stone wall placed along the "line"
- Chain link fence will be removed and that area stabilized
- On Town owned property ground cover will be established
- No materials will be deposited onto Town owned land and no further activity on that portion of the land will take place.

Arguimbau appreciates the Kelly's willingness to come into compliance. September 30th suggested deadline for project to be completed is satisfactory. When the surveyor comes out to survey the property, the office should be notified so that Meister can meet with him. When two corners of property line have been established, work can then begin. If availability of hiring a surveyor is delayed, contact the office for a possible extension of time.

Motion to direct property owner to act in manner discussed. What has occurred is a finable violation, but Commission is willing to consider waiting until issue has been remedied (by September 30th). Arguimbau mentioned to Commission members that she is open to what others feel is appropriate. Wasserman believes that if everything comes into compliance, then he does not see the necessity of fining. Others on Commission were in agreement; therefore, fining the Kelly's at this time has been put on hold.

Motion to direct property owner to begin correcting the violation by removing the fence, reestablishing the stone wall and having the area surveyed to determine and establish a boundary line.

Wasserman, Donatelle 4-0-0 (Motion Passed)

Motion: At this time no fines will be issued. This will be reviewed at the projected completion date of September 30th (Fines will be reconsidered if any issues arise).

Donatelle, Westman 4-0-0 (Motion Passed)

**7:45pm Request for Determination
Gas Main Replacement, Maskwonicut Street**

Dan Altabello is representing Columbia gas. The project is to replace and install a gas main. Columbia Gas will be replacing approximately 2400 linear lines of gas main. The work to be performed is within the paved roadway or shoulder. Some of the proposed work will occur within the 100 foot wetlands. Installation of pipes will be done using open trench method. (Only what is feasible to work on per day will be opened up, and then closed prior to leaving site). There will be no stockpiles open or left overnight. Straw wattles will be installed at limit of work. Filter fabric will be installed under catch basins. They are anticipating no impact to wetland resource areas. Meister requested that straw wattles not be used, but instead use of compost or bark mulch would be more preferable. Additionally, it should be noted, that upon completion of project, the erosion control measures (bark mulch, etc..) shall be removed. Columbia Gas will work with DPW with regards to storing of equipment.

Motion to issue Negative Determination per plan. Contact office prior to work.
Wasserman, Westman 4-0-0 (Motion Passed)

Motion to close hearing
Wasserman, Donatelle 4-0-0 (Motion Passed)

8:00pm Violation, B. Dunham, 13 High Plain Street

Activity at the property was noted and Dunham was asked to stop work until a Commission meeting was set and held.

Dunham explained that she has lived at the property for most of her life. In the past, she has had horses in the pasture. At that time, the horses ate the grass and such on both sides of the brook; which her family owns. The only area she is concerned with getting under control (cutting back vines, etc...) is the area between her property and neighbors along the brook located in front of the property. Dunham stated that she recently began cutting back the area as her neighbors were becoming concerned with the coyotes that were going after nesting turkeys along the brook. Dunham conveyed to Commission that up until she took on more responsibilities with work, the area had always been maintained. About 15 or so years ago, due to lack of time, the area was let go. At this time, she is trying to get a better handle on keeping the area in control. Dunham provided members photos of area she wished to cut back (on file in office).

Dunham further mentioned that around 2010 her husband had been working in the yard when Meister stopped by and informed him that he was not allowed to alter the area in which he was working. Though Meister does not remember that instance, he clarified to the Commission and Dunham that a few years aback he noticed the neighbor performing work along the brook; weed whacking and removing skunk cabbage, along with loam being put down, and he asked for that work to stop. Most recently, he noticed a

landscaper doing some work in the area. Meister informed Dunham and Commission members that a perennial stream ran through her property which carried its own set of rules and regulations. Though he is sympathetic to Dunham's concerns about coyotes, there are others in town with the same concern regarding wildlife, and if everyone were allowed to alter at least two layers of wetlands and shrubs, etc then there would be a significant loss of wetlands. Dunham disagreed that the area consists of wetlands. She stated that she has lived at the property for 65 years and there has never been a problem with her family clearing and maintaining the area along the brook, including mowing. Meister mentioned that it has been at least several years since any type of work has been done along the brook, to which Dunham confirmed it has been 10 years.

Meister explained that riverfront areas (which the brook is) had become a resource area and have come under the Wetlands Protection Act under State Law. He clarified that the existing home and lawn area, which predated the new regulations, are OK. The stream however, falls under the new regulations which do not allow for cutting; weed whacking, removal of skunk cabbage or other wetland vegetation, or disturbing the area in any way. Dunham is requesting that she be allowed to cut to 12 inches the plants surrounding the brook. She believes this growth is a hazard for her family and her neighbor. She reiterated that area she wishes to cut back is very small. She said that she would not cut the skunk cabbage. She explained to Commission members that she is talking about her family's quality of life and that she does not want turkeys which bring in the coyotes.

Arguimbau explained that the Commission works hard to work with residents. Wasserman asked how close the driveway was to the brook. Meister suggested that the Commission members visit the site when they have a chance.

Arguimbau further explained that Dunham would have to file and come up with a plan as to how the area will be maintained. She could probably file an Abbreviated Notice of Intent. Dunham expressed concern that as time lapses the grass and other vegetation in the area is growing. Arguimbau would like for Dunham to come to a meeting in early September. Prior to tonight's hearing, both Meister and Arguimbau met with Dunham. Arguimbau thought that when the vegetation grew to about 12 to 18 inches Dunham was to come in to discuss with the Commission. Dunham thought she could cut back the growth to 12 inches. Meister said he did not agree to anything, only that Dunham should come in to discuss the matter at a hearing with Commission members.

Dunham considers the growth a hazard, attracting both turkeys and coyotes. She does not understand why she is not allowed to cut the growth back to 12 inches in an area which she had previously maintained. Meister explained that the regulations do not allow for cutting in a resource area and that the State has not provided for any grandfathering to Wetland Bylaws. Meister explained that Dunham can make a proposal, but the Commission is bound by the regulations of the Riverways Act, and must act accordingly.

The Commission will be meeting in early September and Arguimbau asked that Dunham be put on the agenda. In the meantime, Dunham should file an Abbreviated Notice of

Intent two weeks prior to the September meeting date of September 7, and provide a layout of the steps she plans on taking to protect the area. Additionally, Abutters of the property should be notified of the filing.

Dunham asked what she was allowed to do in the meantime. Donatelle believes that Dunham should be allowed cut back to 18 inches. Commission agreed, allowing Dunham to cut back to 18 inches before the meeting in September.

Meister informed Commission members that there is a 50 foot minimum no disturb area. Years ago, town residents were allowed to do a lot of different things, but with the creation of State regulations over the past 10 to 15 years, this is no longer so. Meister informed Commission members that they should know their own regulations, specifically the Wetland Protection Act.

**8:15pm Abbreviated Notice of Intent, Home Renovation & Deck Addition
6 Osprey Road**

Lane Goldberg, Attorney on behalf of applicant. The original filing was an RDA. The Commission asked the applicant to either file an Abbreviated Notice of Intent (ANI), or a Notice of Intent (NOI). Client is filing an ANI and is submitting green cards. Additionally, the client has a letter of support from one of the abutters. The client appeared before ZBA and with a letter submitted by Meister with regards to the proposed project, the ZBA approved the proposed project. Goldberg has a copy of the decision of the special permit issued from the ZBA. It is the understanding of the lawyer, that if ZBA approved project, the Conservation Commission would as well. Arguimbau explained that each entity is separate and each makes its own decisions.

Recap of what had transpired: Builder of sunroom did not pull a building permit, or any other permits as required. Additionally, the measurement of the proposed deck was incorrect; it was never the homeowner's intention to extend the existing deck, only to replace within the same footprint. There was much confusion about this. Also, the deck on the side of the sunroom will not be enclosed. The plan dated May 19 is the correct plan date. Applicant apologized for confusion and for not originally pulling required permits.

Arguimbau asked why the builder was not present; at the prior meeting Commission members requested presence of the builder. The lawyer apologized and didn't realize it would be necessary for the builder to be present as the measurements of the sunroom were corrected. Arguimbau explained that it was important for the builder to be present, not just to answer questions, but more importantly to have an interface with the Commission. There have been other violations by this builder, and the Commission believed that it was important for the builder to come in. This was the second time the applicant was asked to have the builder present, and the second time the builder was not here. At this point, Meister will contact the builder.

Motion to issue Order of Conditions with the correct plan date of May 19, 2017 noted, along with referencing the correct measurements. The Commission shall be notified when the project begins.

Westman, Donatelle 4-0-0 (Motion Passed)

Meister will meet with the builder on site and set up a time and date for the builder to meet with the Commission to discuss what happened.

Signature sheet passed around. Vote pending signature.

8:30 RDA, High School Field Lights

Seth Ruskin was representing the applicant. He has been involved in the project for a long time. The lights on the field were a gift from the Wellesley Group, the builder at Old Post Road. The prior Athletic Director had been working on this, but when he resigned, the project kind of went into a state of limbo. Ruskin was asked by Selectman to assist and he is here tonight as the representative for the school department. He briefly explained the project and proposed installation of the field lights. Two of the proposed poles needed for the project fall under the jurisdiction of the Conservation Commission.

Arguimbau asked why there was not a representative of the school department present. Meister informed Arguimbau that he told Ruskin to come in and present. Arguimbau expressed concern that no school department representative was present as Ruskin has no authority to sign off on the project. Ruskin explained that the school is very much aware of what he is doing, they have been kept in the loop, additionally, he has been working with the High School Principal on this project. The schools are ready to begin immediately on this as they have football games scheduled to begin the beginning of September.

Applicant is ready to begin the project immediately. Approximately two days to install poles, and about a week and a half to complete in its entirety. Meister will be monitoring the project.

Motion: to issue a Negative Determination with conditions regarding dewatering, removal of material removed from holes, installation of footings and pending receipt of school department signature.

Wasserman, Westman
4-0-0 (Motion Passed)

8:45pm **Stormwater Prevention Plan, Sharon Park South**
1125, 1155, 1225 & 1245 General Edwards Highway

Merrikin Engineers was representing the applicant. Representative explained that currently there are several lots which make up the project. The applicant is in the process of merging all of the lots into one for the proposed project. The hearing tonight is a continuation of the NOI the applicant filed last summer (DEP #280-0583). The site is located along Route 1. (All maps and other materials associated with the project are on file in the office). The wetlands have been delineated. At this time the applicant is proposing to construct two commercial buildings. One of the buildings will be located towards the front of the property and will be accessed directly from Route 1. Access for the second building, which will be located in the rear of the property, will be from a shared driveway with Charles River Apparel.

Most of the proposed work will be limited to the outer 100 foot of the buffer. There will be limited work within 75 feet of the buffer, which will consist of repaving the existing driveway. Work to be performed within the 100 foot buffer includes driveway grading and paving, and storm water basin work. No work will occur within the flood plain. Very minor work, consisting of some storm water work, will take place within the riverfront. This area will be revegetated upon completion of work and then left alone.

The applicant has worked with the Zoning Board of Appeals (ZBA) to address comments from the peer review. Tom Houston, with whom the Commission has worked with before, provided the peer review of the project.

Houston addressed the Commission. He explained that he generated a combined report, taking in the needs of both the Conservation Commission as well as the ZBA with water resource protection falling under the ConCom and stormwater oversight falling under the ZBA. Houston noted that comments 29 through 75 addressed Conservation issues.

After reviewing the applicant's submittal, Houston reviewed and took into consideration conditions put in by the applicant, added additional conditions, and reorganized the document. It is Houston's opinion, should the Commission issue Order of Conditions to the applicant, that conditions numbered 1 – 9 from his prepared report be included in the Orders. Similarly, should the ZBA issue site plan approval, he would also recommend that conditions 1 – 9 be included as well as conditions 10-13. Additionally, within ZBA approval, exceptions to Zoning Bylaw change on the last page should also be included.

There was one change to plans in that a more conservative infiltration system will be put in. Charles River Apparel does not have a storm water management system. Runoff from their property currently runs onto the adjoining property. The applicant plans for their system to pick up this runoff and they have accounted for the flow in their projections.

Other than some technical conditions which remain, all storm water issues have been resolved. One possible outstanding issue though, with respect to SWPP, is that at this time there are some unknowns, which include who the contractors will be, scheduling of

contractors and sequencing. Houston recommends that once contractor is in place, a schedule should be provided prior to any work beginning.

Item number 6: With respect to Conservation Restriction (CR) - when property was initially subdivided a CR was never put in place. Applicant is proposing to issue requested CR, including putting additional land (see maps on file in office) into the CR.

Arguimbau asked what the timeframe was for the CR. In conferring with Meister, she asked for the CR to be completed before Thanksgiving. Representative said that should not be a problem, and that he would need about a month to draw up.

Motion to close hearing inclusive of points of peer review.
Donatelle, Westman 4-0-0 (Motion Passed)

Motion: to issue Order of Conditions per plan and with consideration of CR completed pending Meister's recommendation and inclusion of peer review as presented at tonight's meeting.
Wasserman, Westman 4-0-0 (Motion Passed)

Other Business

Sharon Country Club A vote is needed from the Commission. When a golf course comes out of recreational use (61B), the Commission has first right of refusal to purchase the property. Arguimbau is asking Commission members to vote for this. Purchase price of land is \$2.3 million dollars. The Commission is not interested in purchasing this land. A vote is needed to note that the Commission is not interested in purchasing the property.

Vote not interested in purchasing 61B property owned by Sharon Country Club.
Wasserman, Donatelle 4-0-0 (Motion Passed)

Members signed vouchers.

Certificate of Compliance signature pages were passed around. Arguimbau asked Commission members to sign in order to have on hand for issuance.

Meister informed Commission members that he went to a recent BOH meeting regarding 68 Mohawks Street. The applicant asked the BOH for relief of their Rules and Regulations. Meister said that it looks like the BOH is going to give relief. The presentation by the applicant was very good and persuasive. Meister presented members of the BOH with his opinion, and noted that project was new construction and precedent setting. Andrews, Health Agent for Engineering, also advocated for no relief.

Meister finds this quite disturbing, noting that the Commission has land abutting the property, and that the property was within the Zone 2 Groundwater Protection district. (Applicant is asking for 3 homes. There is currently one home on the property, and they are asking for two additional homes. It was asked of the Commission could take any

action. Meister said they BOH had another meeting coming up. Perhaps a letter could be drafted from the Commission Meister repeated that he believes this is a bad precedent being set. He will work on draft letter for review.

Wasserman inquired about land on Morse Street, the one with the vernal pool. Meister said property Wasserman was referring to was on Massapoag Ave. He noted they cancelled again and were not coming in. Abutters were informed of cancellation by both Administrative Assistant and developer. Meister explained to Commission members that in the past, no one has been able to develop anything on this piece of property.

Avery visited North Main and checked out the hydro seeding. The vegetation was high and the hydro seeding looks to have taken well. The hydro seed was an environmental mix from New England Environmental. The money has been returned to violator. A question was asked about the manure pile. Arguimbau noted that this will need to be addressed. A plan for manure removal will need to be put in place.

Open space. Arguimbau left a message with Don Hillegas to be in contact with Jon Wasserman with regards to Monkey Survey. Arguimbau received comments back from the Recreation Director. The survey is almost complete. She will incorporate Rec Directors suggestions within the survey and have ready for the September 7 meeting. Arguimbau also forwarded survey to the Rec Advisory Committee.

Next Commission meeting scheduled for September 7.

Lake: There is a lot of algae in water column near boat dock. Meister doesn't think lake treatment is going to be done this summer. He recommended to Lake Committee that a survey should be done in the fall to ensure that the fanwort did not spread with treatment planned for next spring. If it is planned that the lake will need to be lowered, then community outreach should be performed. Resident's should be notified that if they wish to continue using the lake for recreational purposes, that in order to treat the lake for fanwort, the lake may need to be lowered.

Arguimbau informed Commission than an email was sent informing members that the Commission would be going back to 2 meetings per month, and asked if they could reply to the email as to whether they will be able to attend or not. By responding, this will help to know if there will be a quorum.

Motion to adjourn

Westman, Wasserman 4-0-0 (Motion Passed)