

Conservation Commission Meeting
Virtual Meeting
September 17, 2020

Roll call was taken of members and staff present: Peg Arguimbau, Chair, Jon Wasserman, Keevin Geller, Stephen Crèmer and Colin Barbera (joined at 7.31pm) were the members present. Not Present: Meredith Avery, Alan Westman. Staff present, John Thomas, Conservation Administrator; Linda Callan, Clerk

Arguimbau opened the meeting by reading Governor Baker's Executive Order of March 12, 2020. Per guidance from the State, Arguimbau noted that all votes would be taken by roll call.

The remote meeting started at 7:33pm

7:30 P.M - Extension permit request, 36 Beach Road – Christine Carr

Repair of a retaining wall

Arguimbau explained that the applicant was granted a Negative Determination three years ago for repair of a retaining wall. The work was not completed within three-year time period, and Carr filed a request for an extension to the permit. The extension request was three days past the expiration date of the Negative Determination issued. Applicant is requesting for extension to complete repair to the retaining wall and will be per plan issued for original filing of Request for Determination.

Commission members agreed to grant an extension for one year, per original plan, with same conditions as issued prior: work can't begin until the water is below the wall, Conservation Administrator will be notified upon commencement of work.

Motion: *To issue permit extension to include Orders contained in Negative Determination dated:*

Cremer, Wasserman 5-0-0 (Motion Passes)

Geller - Aye, Wasserman - Aye, Cremer- Aye, Barbera- Aye, Arguimbau- Aye

Appointment to Lake Management Committee

Commission members appointed Barbera to be their representative to the Lake Management Committee. Barbera will need to be sworn in at the Clerks' office.

Motion: to appoint Barbera to Lake Management Committee

Cremer, Wasserman 4-1-0 (Motion Passes)

Geller- Aye, Wasserman- Aye, Cremer- Aye, Barbera – Abstain, Arbuimbau- Aye

Arguimbau informed Commission members that two signs have been made for the Billings Loop trail in memory of the Chyers. One sign will be placed at the bottom of the trail and the other at the top of the trail.

7:40 PM Discussion: 3 Capen Hill Road, Valentina Akyol

Construction of a retaining wall

Arguimbau explained that there was an advertisement error. The Commission will take information for project tonight. However, until a legal notice has been published the Commission will be unable to close the hearing tonight. Arguimbau explained that the Commission has 21 days to issue permit to do work and the hearing and permit will be issued within the allowable time frame. The hearing will be officially closed at the October 1st

hearing for this project. A Request for Determination for this project was filed with the Commission.

Thomas explained that the applicant wishes to construct a retaining wall. A site plan of the proposed project was displayed on screen by Thomas. He explained that the applicant approached him a couple of weeks ago about work she wanted to do at her home which included leveling and grading her yard and building a retaining wall. Thomas recommended the applicant file a Request for Determination as the proposed work is near a drainage underpass which drains into a nearby wetland.

Thomas is recommending that a sediment control barrier be placed next to the drainage channel so that no sediment from work enters into the drainage ditch.

Arguimbau asked the applicant if they understood what Thomas was asking her to do.

Applicant explained that the retaining wall being proposed is located ten feet from drainage area. She would like to put in the retaining wall to assist in leveling off her yard. Applicant explained that her home is located on a hill. The proposed retaining wall will be located ten feet from the road. The retaining wall be approximately four feet high and is being proposed to separate the drainage area from rest of the yard.

Thomas explained the Commission is looking for a silt fence or fabric screen to be installed prior to any work beginning, and then removed upon completion of the project.

Arguimbau asked applicant for clarification of the work to be done. Applicant explained that blocks would be used, that a shallow trench would be dug for placement of the blocks, and that there would be minimal excavation of the area.

Thomas showed a sample picture of the type of barrier the Commission wished for the applicant to install. He explained that the reason for the barrier is to retain sediment created from excavation entering the ditch and potentially draining into the wetlands. Thomas explained that barrier fencing can be purchased at Home Depot. They most likely would need about a fifty long foot strip and should not cost more than \$100. Thomas will forward to the applicant additional information on barrier/silt fencing.

Arguimbau asked who is doing the work to which applicant responded that it was her husband and friend.

Thomas suggested that the applicant follow the string area located in front of the ditch for installation of the barrier fencing.

Arguimbau explained again that the hearing can't officially be closed as legal notice was not published. She then asked if there were abutters present. A neighbor of the project was present but had no concerns with the project.

Arguimbau asked Commission members if they had any questions. There were none. She then explained that tonight's hearing will be voted on and closed on October 1st. Work may be able to begin prior and Thomas will be in contact with the applicant. A barrier fence will still need to be put in place prior to any work beginning.

Motion: to continue to October 1st, at which time a vote will be taken to close hearing.

Cremer, Barbera 5-0-0 (Motion Passes)
Geller-Aye, Wasserman-Aye, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

7:50 PM - 11 Victoria Circle

Redo stairs in proximity to vernal pool.

Applicant purchased the home three months ago. During the home inspection, it was found that the front stairs were detached from home and that they were at an angle. Additionally, the stairs as they were, were not up to the current building code. The applicant believes the stairs are a safety hazard and would like to fix them. He is proposing to widen the stairs in order to install a storm door. A contractor will be hired to do the work. The widening of the stairs puts the proposed work in proximity to the wetlands.

Arguimbau asked if the steps will be pre-made. The current plan is to use the existing stairs, to reattach to the home and to widen.

Arguimbau explained to Commission members that the way the lot is developed, the proposed work is located within the lawn area and the driveway, and that the driveway is located in-between the vernal pool. Thomas is in agreement with Arguimbau, and explained that in accordance with the Commissions Wetlands bylaw, the existence of the vernal pool in proximity to the proposed work is what triggered the necessity for this hearing. A plan showing the proposed work in relation to the vernal pool was shown.

Cremer inquired about the storm door. He asked if the building of the storm door involved building on top of the stairs. Applicant responded that only work being performed was fixing the stairs.

Arguimbau asked if any abutters were present, to which there was no response. The Commission members were then asked if they had any questions or comments.

Arguimbau informed applicant that the hearing will be continued to October 1st at which time a vote will be taken. The permit will then be issued on October 2nd.

Motion: to continue hearing to October 1st

Wasserman, Geller (5-0-0)

Geller- Aye, Wasserman- Aye, Cremer- Aye, Barbera- Aye, Arguimbau- Aye

This hearing should be put first on the October 1st agenda.

8:00 P.M Hearing: Request for Determination: 2 Cobbler Lane, Jason Florio

Proposed installation of an above-ground pool and accessory deck

Tara Florio is present this evening. Thomas shared plan of the project. Florio explained they would like to put in a 24 foot above ground pool and 54 inches high. When their septic system failed and needed to be replaced, it needed to be put in the back yard. The leaching field encompasses most of the back yard. Florio would like to move the pool to the other side of the yard. It will still be located within the lawn area; however, the location is close to the wetlands.

In addition to putting in the pool, the Florio's would like to extend the chain link fink that is currently there in order to enclose their backyard.

Thomas showed a picture noting the proposed location of the pool (white circles). Thomas is comfortable with the project as proposed. There is no increase or impact to the wetlands. *Access to the pool will be from the driveway. A platform to access the pool will be constructed between the pool and home.*

Wasserman asked if the pool will be drained. Florio explained that the pool would not be fully drained, but that when it is drained, the pool company will be called in to pump water into a truck and disposed of offsite. Florio was asked if there was a filter for water associated with the pool. She explained that their previous pool was never fully drained, that maybe 6 to 12 inches was removed to winterize the pool.

Arguimbau asked if any abutters were present, to which there was no response. The Commission members were then asked if they had any questions or comments.

Motion: to close hearing and issue negative determination with conditions, work per plan, vehicles to access work site should be from the driveway and the extension of fence per plan.

Cremer asked question on the fence. Thomas explained the Florio's were just extending the fence to enclose their yard. There is a chain link fence currently there. He also asked if the pool could be located closer to the house. Arguimbau explained that there were building code setbacks and the pool was as close to the home as was allowed.

Motion to close hearing

Geller, Cremer 5-0-0 (Motion Passes)

Geller-Aye, Cremer-Aye, Barbera-Aye, Wasserman-Aye, Arguimbau-Aye

8:10 P.M - Hearing Continuance: Request for Determination, 2395 Bay Road. Sarah Krajewski

Building of a playset/tree house

Sara Krajewski was present this evening. She explained that they would like to build a playhouse treehouse on side yard, along with a swing, slide and rock climbing wall. They are looking to construct at the side of their home for safety reasons. They have young children with an enclosed back yard. By putting on the side of home, this will ensure kids will not be able to access easily.

Thomas recapped the proposed project noting that the treehouse swing set would be located approximately 30 to 40 feet from existing wetland. There is fenced area which is bisected lawn from woodlands. Construction of the treehouse will not harm the tree, and the wooden platform will be self-supporting with above ground cement footings being used for support.

Motion to close and issue Negative Determination with construction per plan

Wasserman, Cremer 5-0-0 (Motion Passes)

Geller-Aye, Wasserman-Aye, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

At the conclusion of tonight's hearing Arguimbau will discuss with Commission members how to obtain their signatures.

8:20 P.M. - Hearing Continuance: ANRAD: 61 Eisenhower, Goddard Consulting
Approval of wetland resources boundaries

Applicant has requested a continuance to October 1st.
Arguimbau informed Commission members that they should have received scanned documents for Eisenhower Drive via drop box. Thomas will be preparing a timeline of the scanned documents in order to make things a bit easier for members to follow. Included in the scanned documents were papers for another address. These should be ignored as only papers pertaining to Eisenhower drive are pertinent.

Meeting Minutes

August 13, 2020

The spelling of Colin Barbera's name was corrected.

Motion: To accept meetings of August 13th as submitted.

Cremer, Barbera 4-1-0 (Motion Passes)

Geller-Aye, Wasserman- abstained, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

Working session meeting of September 3, 2020

Motion to accept minutes

Wasserman, Barbera (3-0-2)

Geller- abstained, Wasserman-Aye, Cremer- Abstained, Barbera-Aye, Arguimbau-Aye

Thomas requested that another working session be held to continue to review performance standards and regulations. Possibly hold the date of October 15th. Commission would meet in the ballroom, same as the last working session meeting. If needed, perhaps hold two meetings in October as well as a working session.

Arguimbau informed Commission members that Thomas has received a letter from Will Schreefer who has officially requested to close the hearing on the turf field. The hearing had been left open in case consultants wished to submit an amendment to put in a grass field, but they have decided to go in another direction.

SHS Turf Field

Arguimbau recommends closing this hearing by vote. The original vote, denying a turf field, was 5-2-0. Thomas will work on narrative to go with orders. DEP File number is 280-0617

Motion: to close hearing

Cremer, Barbera 5-0-0 (Motion Passes)

Geller-Aye, Wasserman-Aye, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

Lake Update

Thomas informed Commission that the lake is at 9.35 which is on par to normal lake levels for the month of September. Thomas also said that with the lake closed for the season, lake testing has stopped. The optimal capacity for the lake level to be at should be 10.5. There is no minimum, but Thomas explained that the level can't exceed 10.5.

A question was asked about drought we are in and if there would be a water ban. Barbera said that the Select Board voted last week to not put out a ban as they believed it was too late in the season to enact a ban.

Signatures on Negative Determination and Orders of Condition. Arguimbau spoke about how documents are perceived at the Registry of Deeds when there is only one signature. Given that the Commission is still not meeting in person, a way needs to be found for members to sign documents. The Clerk's office at Town Hall was recommended. Arguimbau will look into. If this does not work the Administrative Assistant for Recreation has agreed to be a contact point for members to sign documents. Town Hall is more central and Arguimbau will check in with the Clerk.

8:30 P.M. – Hearing Continuation: Prince Way/Bay Road Roadway (Birchhill Development) DEP #280-0610

Steve Giosio of Site Tech Engineering is presenting for the applicant.

Giosio provided Commission members a brief background of the project. He explained that there were two parts. 1) There is an existing Cul de Sac adjacent to Prince Way. The developer has proposed to enter this Cul de Sac via a short road and constructing several homes in a cluster. Giosio showed a map of the project and identified where wetlands were. Giosio explained this part of the project was pretty straight forward. House lots along Prince Way would be lots 1-5 and most of the activity is located outside of the buffer. Erosion control would be put in place. Subsurface mitigation would be clustered around the lots. Arguimbau asked if this plan reflected new drainage mitigation. 2) Bay Road side of the project. The original plan for the project was to bring a water line across through the wetlands in order to connect to water line on Penny Lane. This proposal would have looped the water line to Prince Way. The Commission was not in favor of this plan. The developer, along with Sharon Town Engineer and Town Engineer from Stoughton and other officials from Stoughton met. An agreement was reached in which the developer was allowed to connect water lines to Stoughton which eliminated alteration to the wetlands and work within the buffer.

Lots 6 and 8 are on this side of the project. A short road would lead to the homes. Giosio explained that for one of the lots, access would be from a driveway which would need to cross over a wetland. There is mitigation proposed for this, but applicant understands the concern of the Commission with the crossing of the wetlands. For lot number 8 there is also concern from the Commission. For this reason, the applicant has removed lot number 8 from any proposed construction of a home at this time.

Giosio informed Commission that he has met with the Board of Health (development concept only). BOH was favorable to the proposed project but before moving forward they want to see the actual design of the proposed wastewater treatment system before signing off on the project.

Arguimbau asked about Parcel B located next to Dry Pond Road. Giosio explained they had originally proposed a common septic system but have since backed out of that concept. Parcel B is an unbuildable lot. There is no frontage for the property on Dry Pond Road and there is no ability to put in another home at that site. Giosio explained that part of Parcel B will be absorbed into another lot, most likely to lot 6, though the area could remain as an open space parcel. For this NOI however, no activity is proposed for this parcel.

Arguimbau informed Giosio that the Commission prefers not to piecemeal projects. If the applicant will be including Parcel B as part of lot 6, the Commission would request that a Conservation Restriction (CR) be put on that portion of lot 6. Parcel B would be part of lot 6

and belong to potential owner, but the area would be permanently protected. Giosio explained that the applicant preferred to leave this lot as non-buildable for the now.

Arguimbau also asked about Parcel A. Giosio explained that there is no proposed activity on Parcel A.

Arguimbau explained her concerns moving forward. At the completion of the project, when the developer applies for a Certificate of Compliance, whatever has been included in the Orders comes off. Therefore, it is important, especially with Parcel A, that the Commission receives a CR or that Parcel A is designated as Open Space or that a Deed Restriction is put on. Arguimbau explained that the Commission appreciates the efforts which have been made, but that they are looking for more something more definitive and for permanent protection on both Parcels A & B.

Geller inquired about Lot 7 and asked for clarification. Is the developer removing lot 7 from consideration at this time permanently, or will he becoming back later to seek building approval. Giosio explained that he spoke with the owner of the property of the Commissions concerns. The developer agreed to give up lot 7. Regards to CR or Deed restriction, Giosio does not have the authority authorize, though he explained that he does not believe that the developer interested in granting either a CR or deed restriction, mentioning that if the developer wishes to come back at a later time, the Commission has the authority to deny or approve proposed work.

Geller is concerned that the developer will be coming back for approval on a lot which is deemed problematic. Giosio understands but is only following his clients wishes and is presenting what his client is willing to give up at this time. Geller asked Giosio if he would suggest to his client a possible easement on the sensitive lots.

Arguimbau noted that although she would like to close out this hearing tonight, as this project has been continued for months, she is concerned as the area in question is significant and sensitive. Would like to see if can work with the developer on Parcel A and to perhaps work out a possible deed restriction or CR. With so much time passed since last in front of the Commission, she believes it would be beneficial to both the developer and the Commission.

Giosio understands the Commissions position. He also understands that it is up to the Commission to approve or deny. He will report back to his client but does not believe his client will change his mind.

There was further discussion regarding Parcel A and Parcel B. Need to answer the question of what will happen with both parcels at completion of project and issuance of Certificate of Compliance. Additionally, need to determine Lot 7 as well.

Giosio will report back to his client. He will propose to remove and eliminate any activity on lot 7.

Arguimbau asked if there were additional comments. There were none.

Motion to continue hearing to October 1 at 8PM.

Cremer, Geller 5-0-0 (Motion Passes)

Geller-Aye, Wasserman-Aye, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

Conservation Administrator Report

The following filings have been received:

NOI - 40 Harold Street

RDA - 24 Beach Road

RDA - 6 Dogwood Road

Mitigation Report for 363 Massapoag Ave has been received. Prepared by Eco tech New plantings proposed. Wetlands have been re-delineated. Thomas will walk property with owner and review proposed plantings.

Scanned files for 61 Eisenhower have been sent. Commission members should review prior to next meeting.

Motion to adjourn

Cremer, Wasserman 5-0-0 (Motion Passes)

Geller-Aye, Wasserman-Aye, Cremer-Aye, Barbera-Aye, Arguimbau-Aye

Meeting adjourned at 9pm