

Conservation Commission Meeting
Virtual Meeting
January 28, 2021

Roll call was taken of members and staff present included: Peg Arguimbau, Chair, Meredith Avery, Vice Chair, Jon Wasserman, Stephen Cremer, Colin Barbera and Alan Westman. Staff present included John Thomas, Conservation Administrator and Jana Katz, 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. She then reviewed the ground rules for the meeting.

The remote meeting was called to order at 7:30pm.

Possible speakers included: Vinicius Massote.

7:30 PM	Request for Determination 5 Knob Hill Street - Cover deck, screen in porch Vinicius Massote, property owner
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Thomas brought up images on computer while screen sharing. Arguimbau asked Massote to explain the project: to cover the existing deck and put in a screened-in porch. Arguimbau confirmed Knob Hill Street is off of Massapoag Avenue in the direction of Borderland State Park. Thomas identified the existing site plans which include sensitive resource areas with a longstanding Conservation Restriction in place. He also identified a steep drop off on the property that goes directly into a wetland. The current deck is butting out from the foundation and is close to a fence which borders the wetland. Temporary erosion control measure barriers include silt barriers along the existing fencing. Thomas would like to see better erosion control put in place and suggested silt socks.

The applicant stated that silt docks will be arriving Friday or Monday. Arguimbau asked if they will go on the inside of the fencing and Thomas answered in the affirmative. Massote continued to explain the project: the roof will extend until it is flush with the wall of the house and stop where the sliding door is. Posts will be installed at both ends adhering to code and two additional posts will be in the middle attached to the house. Plans include roof shingles on top and 2x4s on top of the structure. The deck size and location will remain the same.

Arguimbau noted that not much access is needed to access the site and there will not be much scrap metal needing removal. She noted concerns about the existing lawn and asked the applicant to clarify if there will be any new foundations or footings further out. Massote answered that there will be nothing past the existing footprint.

Arguimbau asked for any other questions.

Avery asked Massote if access to the construction will occur on the wetland side of the house.

Massote and Thomas answered that the points of entry will be on the opposite side of the house.

Wasserman asked the applicant how many new Sonar Tubes are planned to go in to the new footings for the 6x6 posts. The applicant answered: four in the front and two in the back by the house.

Arguimbau suggested issuing a Negative Determination with the condition it be done per the new plan and with erosion control measures that the applicant agreed to.

Motion: To close hearing and issue a Negative Determination
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Barbera moved

Wasserman seconded
Wasserman - Aye, Avery - Aye, Barbera - Aye, Cremer - Aye, Westman - Aye, Arguimbau -Aye
6-0-0 (Motion Passed)

7:42 PM Other Business

Arguimbau stated the date for the next meeting would February 4, 2021 which so far had no agenda. The following meeting would be scheduled for February 18, 2021 which will be school vacation week. If scheduling issues arise members should contact Arguimbau or Thomas. Arguimbau stated she will sign vouchers at Town Hall on January 29, 2021.

**7:47 PM - Continued Hearing NOI 3 Capen Hill – Patio, Concrete Walls, Driveway
Valentina Akyol**

Arguimbau stated she feels comfortable closing the hearing at the meeting. Thomas shared images on his screen. Avery asked if the applicant's request had changed. Arguimbau answered in the negative.

Thomas identified the buffer lines on the maps and stated the 100 foot wetland buffer area includes the majority of where the planned pavers will be installed. The 75 foot local jurisdiction area is near where the retaining wall was previously approved as an RDA. It also encapsulates part of the planned pavers which will be next to the street.

Arguimbau stated that work has been done before project approval. The Commission previously expressed concern about access to Capen Hill Road because that area is within the buffer zone. Arguimbau stated she believes the applicant noted at a previous meeting that the area adjacent to Capen Hill Road will be a planting zone with grass. Arguimbau stated she would like the conditions to include a provision that access would only be permitted off of Massapoag to ensure protection of the area.

Thomas noted he had seen parking in the area. Wasserman and Cremer asked about putting in shrubbery and plantings as well as clarification as to what is there now. Thomas suggested putting plantings on Capen Hill near the pavers. Avery asked if the gravel portion between the pavers and the house would be used for access to the house. Thomas noted there could be an entrance. Arguimbau noted there is no change in gradient on the property. She suggested including plantings with an area left open to provide access with a condition to check plantings with the Conservation Administrator. Additionally, pavers should be installed per plan and future activity will need to come before the commission for review.

Cremer noted the potential for future violation. Arguimbau made note of his comment. Cremer suggested adding a clause that reinforces the commission's authority. Arguimbau suggested including "as built." Avery supported the notion. Avery suggested that the property owner will need to comply with an "as built" plan to get a Certificate of Compliance. Thomas noted that Special Conditions currently include no snow storage near the culvert on Massapoag Ave and making sure the inlet is clear of silt and debris.

Cremer followed up asking if the conditions would affect new property owners: snow removal management, culvert conditions, and parking restrictions. Avery questioned whether parking regulations would be in perpetuity. Arguimbau suggesting working the conditions to prohibit expansion of the pavers area. Wasserman expressed concern about future removal of plantings

because the land is flat. Arguimbau noted “Access from Massapoag only” has been previously suggested. Thomas confirmed she would need a curb cut to any new entrance onto her property.

Wasserman and Cremer noted possibilities of parking areas increasing the size of the driveway area. Arguimbau agreed and suggested a condition of placing a barrier on the edge of the property line where it meets Capen Hill. The term for the conditions was up for discussion. Arguimbau suggested “permanent physical barrier.”

Thomas asked if there was any need for conditions addressing the buffer zones on the right side of the property (from Massapoag Ave. viewpoint) and brought up pictures. Avery noted a potential vernal pool is on that side of the property. Arguimbau stated there was filling at some point.

Thomas identified in photos the location where the gravel driveway ends at the wall and the extra ten feet of wall beyond the gravel. He suggested putting an additional physical barrier to limit the amount of parked cars. Discussion followed. Arguimbau stated concerns about containing parking are outside the commission’s jurisdiction.

Thomas highlighted the three edgings of the project: Capen Hill, the first gravel edge, and the second gravel edge. Arguimbau suggested attaching a highlighted plan to the orders to visually represent expectations of locations for permanent barriers. Arguimbau stated that if everyone is in agreement, Thomas can contact the applicant on Friday and explain approval subject to agreement with the plan. If applicant declines terms she will have an opportunity to continue the hearing to February 18, 2021.

Motion: To close hearing and issue Orders of Condition contingent upon contact with the applicant and agreement with the conditions.

Cremer moved.

Seconded by Westman

Wasserman – Aye, Avery – Aye, Barbera – Aye, Cremer – Aye, Westman – Aye,

Arguimbau – Aye

6-0-0 (Motion passed)

8:07 PM Lake Management Update

Commission discussed invasive weed in the lake: fanwort and water milfoil. The South Cove near Camp Everwood and Fletcher’s Cove on the Lakeview side are the most problematic. In 2014 the Sonar was used after lowering lake levels. Toothcup is an indigenous species requiring lower lake levels for protection. Mechanical removal of weeds has worked previously but is not keeping up with weeds currently. The Lake Management Committee is trying to decide if chemical removal would be best.

Barbera asked Avery if the work can be done in the fall; in 2014 the work was done in late spring. Avery answered that typically control is best when terrestrial plants are in growing season as it might not be as effective when the lake is at a lower level.

Plans involve using Sonar and going to the Town for funding. Costs of options are: \$38,000 for mechanical removal and \$20,000 for chemical removal.

Avery asked if the location of toothcup is known and if Sonar use would be isolated to South Cove and Fletcher's Cove. Barbera answered the lagoon next to South Cove would be included as well as both coves. Before lake levels got too high the containment in the lagoon was partially preventative for the area.

Arguimbau noted that the lake levels would have to be lower to protect the toothcup from chemicals and that springtime is not ideal for lowering lake levels because of the swimming season. Barbera answered that the mechanical removal sometimes results in weed propagation: cloning from dispersing. Arguimbau agreed that it is ideal to removal weeds before they are in bloom. Avery noted that last year's drought already created a deficit in lake levels. Barbera added that prior to 2014 the state mandated lowering lake levels due to other issues as well.

Arguimbau described the way Greg Meister Administrator worked to curb the level of invasive species: partnering with DPW to install hay bales and plastic liner to protect the endangered species, and monitoring water levels in the lagoon to decrease the overflow spread of invasive plants into the Lake. Arguimbau noted toothcup is located near the Bilingual School on the side where the conservation property is located. Barbera stated that is not the location where invasive species are.

Thomas confirmed lake levels are where they need to be currently. He also plans to talk with Noah Siegal.

8:16 PM	Other Business
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Arguimbau stated the Conservation Commission's budget is now part of the Board of Selectman's budget and will no longer require going before the Finance Committee. There may be extra funds for dam inspections. Additionally there may be extra funds for a summer intern for baseline monitoring of trails and conservation properties in town. Avery recommended finding the MS-4 compliant status before budget is finalized. Arguimbau added wetland specific areas were agreed upon as being under our review. Thomas stated Eric Hooper and the DPW will partially fund MS-4 review this year. He also stated the DPW is hiring an Environmental Engineering Field Agent who may be addressing MS-4 activities. Arguimbau stated funding for MS-4 review may need to be included in future budget discussions.

8:20 Motion to Adjourn

Cremer moved

Barbera Seconded

Wasserman – Aye, Avery – Aye, Barbera – Aye, Cremer – Aye, Westman – Aye, Arguimbau – Aye
6-0-0 (Motion Passed)