

Conservation Commission Meeting
Virtual Meeting
May 20, 2021

Roll call was taken of members and staff present included: Peg Arguimbau, Chair, Meredith Avery, Vice Chair, Stephen Cremer, Colin Barbera, Jon Wasserman and Keevin Geller. Alan Westman arrived at 8:28pm. Staff present included John Thomas, Conservation Administrator and Jana Katz, Conservation Secretary.

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 7:33pm.

7:34 PM Continued Hearings Amendment to OOC - 25 Tiot Street - Bob Shelmerdine

The Conservation Office received an email [*"I do not have the Abutters List from the Assessor's Office today.....sorry for the confusion...can we make arrangements to have the AOOC heard at the next meeting"*] stating the applicant was unable to obtain an abutters list from the Assessor's office and asked the meeting be continued until the next meeting on June 3rd.

A motion to continue the hearing until June 3, 2021 was made after reading a list of abutters.

Motion: to continue the hearing for an Amendment Order of Conditions for 25 Tiot Street to June 3, 2021

Cremer moved

Avery seconded

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

7:35 PM Other Business Minutes to Approve

A motion to accept the minutes from May 6, 2021 as amended passed.

Motion: to accept the May 6, 2021 meeting minutes as amended.

Barbera moved

Geller seconded

Cremer – Abstain, Geller – Aye, Barbera – Aye, Avery – Aye, Wasserman – Abstain, Arguimbau – Aye
3-0-2 (Motion Passed)

7:36 PM Other Business Lake Management Update

Reported lake levels were 10.4 and it was noted Thomas will distribute an informational update from Noah Siegel on May 21, 2021.

7:38 PM Other Business Conservation Days/Scavenger Hunt

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Thomas told commission members about *Conservation Commissions in Massachusetts* by Andrew Scheffey, published in 1969 describing the history of conservation commissions in six northeastern states that was found in the archives at Town Hall. The book described members' and their achievements as well as town wide events part of an initiative called "Conservation Days."

Arguimbau and Thomas discussed the history of the Massapoag Trail being known as the "Green Belt" noting that some land was taken by eminent domain to construct Massapoag Trail. Arguimbau suggested reaching out to the Sharon Friends of Conservation for publicity and cooperation with Conservation Days as the Scavenger Hunt will now be called.

Thomas will be discussing the land on Morse Street and the possibility of installing benches at Trowelshop Pond with Sharon Friends of Conservation next week.

7:41 PM Other Business Stormwater Bylaw and Commission Rules and Regulations

Thomas brought up Barbera's concern for discussion: the docks around Lake Massapoag are being installed and there are currently no regulations. Regulatory procedures are needed. Barbera noted there are two floating platforms beyond property limits in the lake. It is questionable whether they are allowed or need permits. Arguimbau agreed this topic should be included when commission rules and regulations are discussed.

7:45 PM Public Hearings NOI 12 Indian Lane Septic and Residential Addition

Thomas read an e-mail [*"Unfortunately, we did not notify the abutters, so we will need to request a continuance. Please let me now if you can accept this as a formal request for continuance."*] from Collin's Engineering requesting a continuance so abutters can be properly notified. The hearing was rescheduled for June 3, 2021, no vote was necessary.

7:46PM Other Business Storm water Bylaw and Regulations/Commission Regulations

A fall town meeting, if scheduled, would be the next opportunity to take up the Stormwater Bylaw rules and regulations. Arguimbau praised Thomas' work on both the Stormwater Bylaw rules and regulations as well as the Conservation Commission's rules and regulations and invited commission members to provide additional feedback. There is a bylaw in existence that needs updating. Kerry Snyder from the Neponset River Watershed Association has been working with the DPW and Conservation Commission. The town will be unable to meet the deadline for updating the bylaw because it needs to go before the town at the next Town Meeting.

Arguimbau stated the importance of having something in place before the next Town Meeting so other matters can be addressed. Additions including language regarding land disturbance are priorities. Avery noted that any disturbance over an acre in town would require review of the regulations and would be problematic without rules in place. Thomas noted that the current bylaw addresses over an acre of disturbance.

Avery expressed concern if the matter needed to be addressed before updated rules and regulations were in place. Thomas noted the DPW and Conservation Commission would be required to review the matter as well as Planning/Building Committee if necessary. Until the new bylaw are put into place, the Stormwater Authority which would oversee the entire process will not be the Conservation Commission. Thomas clarified the DPW's Engineering Department would review all projects in the

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meantime with the addition process of large scale projects within Conservation Commission jurisdiction also coming before the commission.

Arguimbau and Avery discussed having in person meetings after the State of Emergency ends June 15, 2021.

8:00 PM Continued Hearings NOI 119 Norwood Street, Matt Grosshandler

Arguimbau began by reading a public notice about the hearing. Thomas shared his screen identifying the most recent plan; Arguimbau confirmed there is no DEP number for the project yet. Attendees from the public included: Karlis Skulte, Matt Grosshandler, Brenda Rava, Kevin Andrade, and Jim Molla.

Grosshandler, the property owner of 113 Norwood Street, presented as the applicant for the proposed project at 119 Norwood Street. The property owners at 119 Norwood Street would like to install a private driveway from Norwood Street to their residence, the lower portion of the driveway enters into the wetland 100 foot buffer as it mounts into Norwood Street. Currently three residences share one driveway (113 Norwood St, 115 Norwood St, and 119 Norwood St). The shared driveway is 8.5 feet wide with varying pitches, 14% at the peak. Access is difficult for deliveries, and the Fire Department.

Grosshandler identified the existing driveway on the map as well as the locations of the proposed driveway into relation to the existing driveway. Thomas noted that the previous plan did not comply with commission standards and could therefore not be voted on and restated his request for wetland flags on the maps. Grosshandler noted the information is based on GIS data and the Town's findings from prior work done on Norwood Street.

Arguimbau stated that due to lack of a DEP number, wetland flagging, information regarding slope erosion into the buffer zone, as well as site visits, the hearing should be continued until June 3, 2021. Thomas will schedule site visits after wetlands are flagged and the proposed center line of the access road.

Motion: To continue the hearing until June 3, 2021 at 7:45 PM

Geller moved

Barbera seconded

Cremer – Aye, Geller – Aye, Barbera – Aye, Avery – Aye, Wasserman - Aye, Arguimbau – Aye, Westman – Abstain

6-0-2 (Motion Passed)

8:32 PM Continued Hearings NOI 280 Everett Street, Jeff Kane

Arguimbau reviewed the new plans showing new construction outside of the buffer while Thomas shared his screen showing DEP project number 280-0628. Because the new plan does not include work within the 100 foot buffer a letter withdrawing the NOI application to DEP and the commission would be the necessary next step.

Motion: To close the hearing, confirming the work [per revised plan] is not located within Con Com jurisdiction.

Geller moved

Wasserman seconded

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

7-0-0 (Motion Passed)

8:39PM Other Business Dam Management and Open Space and Recreation Plan

The projected start date for the Dam Management project is September 2021 for the EAP inspections. The funding will be allocated July 1, 2021. The matter will be put on the agenda for June 3, 2021 after members have an opportunity to review the proposal with GZA. Peter O’Cain from the DPW has completed one EAP already so it was taken off of the original proposal. The costs associated with the new proposal are less than the original numbers. Lake Massapoag, Hammershop Pond, and Trowelshop Pond are still part of the proposal. There will be an additional lump sum incorporated into Phase II of the inspection. Additional inform funding from Peter O’Cain would be helpful as well. Avery asked for clarification regarding funding amounts and sources for this fiscal year. She would like to make sure the DPW is covering GZA’s expenses for the remainder of FY21 or clarification that the Conservation Commission will be covering costs with the FY22 budget.

There is currently a reserve of funds available until that the commission can use for land management. In addition to Dam Management, the funds could be allocated for completing the Open Space and Recreation Plan. A consultant would cost about \$6,350 but would not include ADA accessibility surveys or write-ups. The remaining funds in the FY21 budget delegated to Land Management would be an appropriate source for funding the consultant because the plan is a requirement for desired land management grant opportunities. Avery questioned whether the amount spent on the consultant to complete the plan would be more than the potential grant money obtained. Thomas informed the commission that other boards and commissions would be able to apply for grants if the plan is in place as well.

Motion: To accept proposal for \$6,350 to Jennifer Goldson Planning to assist with the Open Space Recreation and Master Plan.

Cremer moved

Barbera seconded

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

7-0-0 (Motion Passed)

8:52PM Other Business Revision to Rules and Regulations

Thomas shared his screen showing the Rules and Regulations of the Sharon Conservation Commission amended November 5, 2020. Language identifying a no build setback 100 feet

from a resource area was in the 2001 language; currently no provision exists in the updated rules and regulations. Thomas outlined concerns regarding ambiguity of language and the commission granting variances on a case-by-case basis. His concerns extend to discussions with property owners about filing for applications. If the commission grants variances on a case-by-case basis it is difficult to advise a potential applicant on whether their project should be evaluated by the commission or would clearly not be allowed. Additionally, this makes enforcement difficult without a clearer definition. Thomas also expressed support for more specific language to more clearly understand the commission's intent which will affect all future decisions.

Arguimbau emphasized that the commission's intent was to limit any construction within the 100 foot buffer regardless whether it was new construction or not. Avery noted the difference between allowing for construction on a previously disturbed property (a property owner rebuilding a deck) and new construction on previously undisturbed property (a property owner building a new deck).

Arguimbau suggested adding a phrase prohibiting new structures 100 feet from any resource area, allowing for alteration within the 100 foot buffer on previously developed lots. Thomas brought into question what defines a new structure. Thomas and Westman suggested that a newly constructed deck could constitute new construction regardless if it was replacing an already existing deck or not. Arguimbau answered that that case of replacing an already existing deck within the buffer would be permissible because it would be considered a previously developed lot within the buffer.

Cremer asked for clarification on permanent versus impermanent structures as well as work being done after a project was approved. Approving work within a buffer for new construction could allow for future construction within the buffer as it would at that point be considered a "previously developed lot." Cremer also asked for clear definitions of permanent structure so it would not be up to interpretation.

Wasserman and Westman were in favor of using the Planning Board's definition of structure. The commission agreed to refer to the zoning bylaws regarding the definition of structure. It will be up for discussion whether to cut and paste verbatim or reference the zoning bylaws. As the zoning bylaws may be updated to redefine structure, the Conservation Commission bylaws and regulations may need updating as well.

Avery and Thomas discussed the need for clarification regarding a "no build" and a "no alteration" provision. Westman suggested including language categorizing previously developed infrastructure within the 100 foot buffer separately. Arguimbau restated the importance of including language that prohibits new development with the 100 foot buffer zone that has not been previously disturbed. There was also consensus that a component defining "structure" is necessary.

The commission planned to review the language and put the matter on the agenda for the June 3, 2021 meeting.

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Motion: To adjourn.

Cremer moved

Geller seconded

Cremer – Aye, Geller – Aye, Barbera – Aye, Avery – Aye, Wasserman - Aye, Arguimbau – Aye,
Westman – Aye

7-0-0 (Motion Passed)