

Conservation Commission Meeting  
Virtual Meeting  
September 2, 2021

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Keevin Geller, Colin Barbera, and Stephen Cremer. Alan Westman and Jon Wasserman were not present. 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. As of June 15, the measure was extended in An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, allowing by Governor Baker to continue to permitting virtual public meetings until April of 2022. 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.

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| <b>7:30 PM</b> | <b>Public Hearings</b> ANRAD 350R Massapoag Ave. #SE 280-589, Residential Const.<br>Chris Lucas |
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Chris Lucas of Lucas Environmental presented at the hearing which followed up on an ANRAD application from 2017. The last hearing took place on 9/28/2017. Lucas was not involved at the time of application but did perform a delineation of the parcel in 2016 when he reviewed the wetland boundaries with Meister. There are several wetlands on site. Final plans were never submitted and it is still an open filing.

The property located at 450R Massapoag Ave. is 7.5 acres. Thomas and the applicant are in agreement with the lines and flags. Meister had revised the original delineation based on vegetation and outlined the new lines in purple on the plans.

No abutters were present. There were no further questions.

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| <b>Motion:</b> To close the hearing and issue the ORAD per plan. |
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Cremer moved

Geller seconded

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

5-0-0 (Motion Passed)

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| <b>7:41 PM</b> | <b>Other Business</b> Lake Update |
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Thomas reported that due to 5-6 inches of rainfall brought the lake levels up to where they need to be. The BOH will continue lake testing for e-coli until October 1<sup>st</sup>. The Lake Management Committee is working on plans to address the cyanobacteria bloom. Geller noted the flow at Saw Mill Pond is the biggest he's ever seen.

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| <b>7:45 PM</b> | <b>Public Hearings</b> RDA 000 Massapoag Ave., Veg Mgmt and Dock Installation<br>Massapoag Lane Homeowners Association |
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Nancy Rae presented on behalf of the Massapoag Lane Homeowners Association with deeded beach rights to the 072019000 parcel. The property is in a buffer zone and subject to wetland protections. They association has deeded rights to the property which is overgrown with invasive weeds and poison ivy. Regulations allow for minor activities to make the property usable.

Conservation Commission Meeting  
Meeting Minutes September 2, 2021

With their own funding, the Homeowners Association would like to:

1. Put up a fence
2. Restore landscape with selective pruning and removal of hazardous species.
3. Plant authorized native species
4. Create a small clearing near the water and install a small seating platform
5. Install a small floating dock

Arguimbau stated that the writing on the plan was undecipherable. Thomas read an e-mail Select Board Member Bill Heitin sent.

[...]John, I have also spoken to Peg about this. If you wouldn't mind stating that you have heard from one of the Select Board members and the application does not adhere to the landowner's vision for the proposed work on the property. [...]

Discussion continued over the specifics of the right to access and the right to use the property. Nancy Rae, Elana Margolis, and Ariel Margolis advocated on behalf of the Homeowners' Association which believes it has the right to alter the area to increase usability. The commission chose to continue to the hearing to the next meeting to find out more specifics about the scopes of access and use.

**Motion:** Continue hearing until September 23, 2021

Cremer moved

Barbera seconded

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

5-0-0 (Motion Passed)

**8:18 PM      Public Hearings** NOI 40 Manns Hill Road Addition to residential home  
Eric Yenulevich and Amy Fang

Christine Meany from Site Design Professionals presented on behalf of the applicant. The proposed project is within the 100 ft. buffer of an isolated vegetative wetland. The wetland is not located on the property. There is an existing 16x18 deck on sonotubes that the owners would like to convert to a permanent addition with a full concrete foundation and basement. Additionally, the owners would like to build a patio as they will be removing the deck for the addition if approved. Work outside the buffer would include a 2ft extension of a farmer's porch.

Arguimbau discussed swale around the patio as well as recharge with Meany. To offset the increase of impervious surfaces, plans include a recharge off the roof of the new addition. The recharge would be more than required. At Arguimbau's request, the applicant showed a 3D plan providing architectural details to the commission in response to Arguimbau's concerns that water levels may be altered as the proposed construction is close to the wetlands than what is there currently. Meany provided the following information: the wetland has an elevation of 86 at its highest point while the cellar floor as an elevation of 93. The rear portion of the yard at its lowest point has an elevation of 76. Fill will be taken off site.

Thomas addressed the issue of the patio being considered new construction. As the patio will be within preexisting permitted lawn area it will be an acceptable use of the space.

Conservation Commission Meeting  
Meeting Minutes September 2, 2021

Meany also informed the commission that the septic will be accessed by a manhole brought up to grade at the patio level. Avery noted that increasing the patio elevation to 100 would improve the downslope to the wetland.

No abutters were present. Arguimbau stated that applicant would need to provide an updated plan with newer erosion controls and that the permit could be issued pending receipt of the amended plan.

**Motion:** Close the hearing and issue an Order of Condition with requested changes and contacting the Conservation Department office prior to construction.

Avery moved

Geller seconded

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

5-0-0 (Motion Passed)

**8:33 PM      Discussion Topics** 21 Beach Road  
Joseph and Elizabeth Daly

John Moriarty presented on behalf of the applicants. In 2008 they went before the Conservation Commission that issued an Order of Condition with special conditions. The applicant is looking to obtain a Certificate of Compliance as well as requesting a hearing regarding a Notice of Intent to mitigate the unauthorized work done on the property since 2008.

**8:52 PM      Continued Hearings** RDA 168 Massapoag Ave Floating Dock  
Jonathan Saphire

Roberta Saphire presented on behalf of the applicant, providing a deed to show the property boundaries in the water and also explained any pressure treated wood used in construction would not contain arsenic.

**Motion:** To close the hearing and issue a negative determination

Cremer moved

Barbera seconded

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

5-0-0 (Motion Passed)

**9:09 PM      Continued Hearings** NOI DEP# SE280-0634 61 Eisenhower Dr. Wetland Veg.  
Yury Deych

**Motion:** To continue the hearing until September 23, 2021

Cremer moved

Barbera seconded

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

5-0-0 (Motion Passed)

**9:10 PM Other Business Accept Meeting Minutes from August 5, 2021**

Arguimbau noted a lower case “e” needed to be changed to a capital “E” for a DEP number.

**Motion:** To accept minutes as amended

Cremer moved

Geller Seconded

Avery – Aye, Geller – Aye, Cremer – Aye, Barbera – Aye, Cremer – Aye, Wasserman – Aye,  
Arguimbau – Aye  
7-0-0 (Motion Passed)

**9:11 PM Other Business Conservation Days Update**

The event will take place September 11<sup>th</sup> and 12<sup>th</sup> and will be hosted by the Conservation Department.

**9:15 PM Continued Hearings Approve Meeting Minutes from July 5, 2021**

Bob Shelmerdine asked for a continuance to September 23, 2021.

**Motion:** To continue the hearing until September 23, 2021

Cremer moved

Avery seconded

Avery – Aye, Geller – Abstain, Cremer – Aye, Barbera – Aye, Arguimbau – Aye  
5-0-0 (Motion Passed)

**9:18 PM Discussion Topics Sharon Gallery – Site Improvement Discussion**

Bob Shelmerdine, David Spiegel, Matt Smith, and Rich Hughes were in attendance as were members of Costco companies including Michelle Carlson. Tom Houston described working with PSC and the Sharon ZBA to discuss creating peer review reports in conjunction with the town engineer, Peter O’Cain.

Matt Smith and Rich Hughes from Norwood Engineering described the development coming off of Old Post Road. There have been plan changes since beginning the application process for this site in 2007. Current plans illustrate a decrease in impervious surface by 33,000 square feet, a reduction in limit of work, and a maintenance of compliance as in earlier plans. The entire drain design is modelled after what was originally approved as there will be less impervious surface there will be less impact. The only change is eliminating one discharge that goes into a wetland. They brought up the question of future compliance with a COC if the plan had changed albeit slightly. Another question regarded a DEP policy addressing reviewing additional plan changes at the adjudicatory hearing level while an NOI is pending.

Avery and Arguimbau noted the similarities in the plans and suggested updating erosion controls. Arguimbau stated she believes the updated plan needs to be attached to the original OOC whether they are considered amended or updated. Avery suggested the possibility of not needing a final plan before beginning construction, noting some minor changes could be handled with the final plan on

Conservation Commission Meeting  
Meeting Minutes September 2, 2021

record. Thomas noted that no new conditions could be put on the project without an amendment to the original OOC.

Discussion continued between members and representatives about memorializing the plan and original OOC for future evaluation. Thomas suggested the Conservation Commission could request the original order be recorded in the registry with a document memorializing the plan.

**Motion:** To adjourn at 10:02 PM

Cremer moved

Barbera seconded

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

5-0-0 (Motion Passed)