

**Conservation Commission Meeting**  
**Virtual Meeting**  
October 7, 2021

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Colin Barbera, Stephen Cremer, and Jon Wasserman. 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.

<b>7:32 PM</b>	<b>Discussion Item(s) Open Space and Recreation Plan</b>
----------------	--

There is a new invoice for JM Goldson, LLC for work done on the Open Space and Recreation Plan for \$270. It will be in a folder at Town Hall for signatures.

<b>7:33 PM</b>	<b>Lake Management Committee Meeting</b>
----------------	--

October 28, 2021 will be the proposed date for a meeting with the Lake Management Committee should the date work for the committee. The only agenda item for that meeting will be the LMC. The Board of Health, and members from Solitude will also be invited. Katz will send out a reminder e-mail once the date is set.

<b>7:32 PM</b>	<b>Discussion Item(s) Interview Committee</b>
----------------	---

Arguimbau, Geller, and Wasserman will form the interview committee for the Conservation Administrator search. Avery was on the last one and cannot participate this time. The application deadline is October 19, 2021.

<b>7:36 PM</b>	<b>Public Hearing(s) NOI 21 Beach Road</b> <b>Jonathan Moriarty</b>
----------------	--

The Chair read a public notice opening the hearing. Moriarty and Thomas visited the 24,000 sq. ft. lot with a 1,400 sq. ft., two bedroom home with an adjoining rear deck. Construction began in 2008 under an OOC but there was never a COC issued. Construction is now out of compliance, a contractor was hired in the interim to do work that was never permitted. A chain-link fence was never removed, a shed was added at the rear, and a deck on sonotubes did not have a solid foundation are examples of issues that came up for the applicant when trying to sell the home on the property.

Moriarty forwarded a revised plan: Remediation Plan Sharon, MA at 21 Beach Road. The new plans depict removal of a vegetable garden. The latest plan included adding seed and carbonized soil and moving the proposed area of excavation to the easterly corner of the lot while adding 500 square feet of wetland.

Ives continued to explain that he visited the site with Thomas, put up wetland flags WF1 through WF7, with the hope of connecting wetlands on the property. The next step would be to excavate over 12" down below the existing groundwater level and then add 12" of high carbon content soil with seed mix and plantings, according to Ives.

Thomas believed this would be a suitable location and added one suggestion. He would like to know where the elevations are at WL3 and WT7. He praised the location of the mitigation project and noted there is a good amount of debris on the property. Arguimbau asked and it was confirmed that an existing/older fence would be removed. Cremer and Barbera said they were in agreement with Thomas' and Arguimbau's assessments.

Thomas noted that manmade created wetlands are not within the Conservation Commission's jurisdiction after Cremer asked if the addition to the wetland would impact buffer distances to neighboring lots.

**Motion:** To close the hearing pending receipt of the updated plan and issue the Order of Conditions for 280-0639.

Cremer moved

Barbera seconded

Wasserman – Aye, Cremer – Aye, Barbera – Aye, Arguimbau – Aye

4-0-0 (Motion Passed)

**7:50 PM Continued Public Hearing(s) RDA 20 Dehart Avenue  
Frederic Appel**

Arguimbau read the public notice identifying plans for septic system replacement and associated grading. The applicant requested a continuance.

**Motion:** To continue the hearing for 20 Dehart Avenue to October 21, 2021 at 7:30 PM.

Wasserman moved

Cremer seconded

Wasserman – Aye, Cremer – Aye, Barbera – Aye, Arguimbau – Aye

4-0-0 (Motion Passed)

**7:52 PM Other Business Open Space and Recreation Plan**

JM Goldson, LLC is collecting letters of support. Arguimbau drafted a letter for the commission to consider for a vote. Adding an ADA compliant trail is another goal for the plan. For ADA goals, the priorities are doing something feasible and providing updates/upgrades to existing sites.

The commission reached a decision to support the letter of support by consensus.

Wasserman followed up with a question about goals including two accessible trails. Arguimbau answered that current potential trails include an accessible path connecting the Walter Griffin Playground with Hammershop Pond and possibly a portion of the King Philip Rock Trail.

Other business also included review of the cost estimate from Kurt Buermann for trail upkeep. Members decided to allocate up to \$500 from the Land Management fund for the cost of upkeep for the boardwalk connecting Massapoag Trail from the rotary to Hammershop Pond.

**Motion:** To allocate up to \$500 for the cost of the boardwalk on the Massapoag Trail between Ames Street and the rotary.

Cremer moved

Wasserman seconded

Wasserman – Aye, Cremer – Aye, Barbera – Aye, Arguimbau – Aye

4-0-0 (Motion Passed)

**8:00 PM Continued Public Hearing(s) RDA 000 Massapoag Ave.  
Nancy Rae**

The applicant withdrew Sec 3 and Sec 4 of Sec 2A from the RDA pertaining to a platform and dock installation. The applicant would like to move forward without structural enhancements, instead asking for permission to remove invasive species, vines, and poison ivy as well as install a fence with a gate on the property.

Thomas stated that someone should physically mark up where the wet area is on the property before beginning to remove any vegetation. He also had concerns about property maintenance and who would be a contact should any concerns arise. Massapoag Ave. resident Elana Margolis stated that in conversations with Fred Turkington and the Selectboard it was understood that any enhancements or maintenance would be the deed holders' responsibility. Thomas requested something in writing for the file. Margolis agreed to talk with the town and put something in writing.

Wasserman questioned whether the commission can review an RDA application from parties that do not own the land. Thomas explained that this does not usually happen without a lease agreement and that under this circumstance, the town has given authority to present on its behalf. Thomas raised the question of liability should any environmental infractions take place.

Margolis stated that because Massapoag Lane residents paid more for their homes to address the deeded beach rights, they have the right to strip the land of poison ivy. Arguimbau praised the applicant for withdrawing the requests to build a dock or platform. Arguimbau stated she believes there is currently a path to the lake from the road. Margolis stated it is not wide enough for bringing a kayak to the water. Arguimbau requested a more recent delineation for the wetlands located on the property.

Marcia Uretsky, an abutter to the property voiced concerns regarding vegetation removal, leaving boats and temporary structures on the parcel as the Homeowners Association are not landowners. Uretsky noted that several trees near the water are essential to maintain the land and prevent erosion. The shrubs and trees located on the parcel protect land from being eroded on abutters' land as well. The easement gives permission to enter and exit the property but not to change the use in any way. She also noted that people who live on the lake pay a separate tax bill and expressed concerns about private citizens putting fences on town property. Uretsky also noted she witnessed the presence of Round Up sprayed on the property and piles of brush cut down and left in piles.

Arguimbau urged members to view the property in person by the October 21, 2021 meeting. Thomas stated that the area is more of a drainage area that deposits into the lake rather than a wetland, but as there is a bank, the parcel would be considered a resource area.

**Motion:** To continue the hearing to October 21, 2021 at 7:45 PM.

Cremer moved  
Barbera seconded  
Cremer – Aye, Wasserman – Aye, Barbera – Aye, Arguimbau – Aye  
4-0-0 (Motion Passed)

**8:37 PM Continued Public Hearing(s) NOI 61 Eisenhower Drive  
Yury Deych**

The applicant requested a continuance.

**Motion:** To continue the hearing to October 21, 2021.

Cremer moved  
Wasserman seconded  
Wasserman – Aye, Cremer – Aye, Barbera – Aye, Arguimbau – Aye  
4-0-0 (Motion Passed)

**8:39 PM Other Business John Thomas Resignation**

Arguimbau praised John Thomas' work while serving as the Conservation Administrator. He will be leaving to take a position in conversation for the Town of Norton. She noted his upgrades to utilizing technology and digitization within the department. She noted he did the commission proud when dealing with the public.

Thomas said he was willing to come back for Thursday meetings.

**8:41 PM Motion to Adjourn**

**Motion:** To adjourn

Cremer moved  
Wasserman seconded  
Wasserman – Aye, Cremer – Aye, Barbera – Aye, Arguimbau – Aye  
4-0-0 (Motion Passed)