

Conservation Commission Meeting
Virtual Meeting
January 20, 2022

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Keevin Geller, and Colin Barbera, Alan Westman, and Stephen Cremer. Jon Wasserman was not present. Staff present included Josh Philibert, 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.

7:30 PM	Public Hearings NOI SE-280-0641 65 Eisenhower Drive, In ground Pool Huy Pham
----------------	--

The Chair began the hearing by reading a public notice. Mr. Huy Pham, the property owner, explained the history behind the site that is currently a large hole in the backyard where a contractor had begun work to install an in-ground pool and not finished the job. Mr. Pham hired a new contractor to complete the work who informed Mr. Pham that his property abuts Conservation Land and that he would need Conservation Commission approval before installing an in ground pool in the property.

Philibert shared his screen showing the Town GIS website, a photo of the hole in the backyard, and a photo of the side yard. Geller recused himself as he built the house for the previous owners. Members discussed the limited land to relocate the pool and concerns for future drainage. It was explained that because it is not original construction the pool could be built within the buffer zone. Arguimbau asked for a plan identifying where dry wells would be located. Hired by Mr. Pham, Stone Edge will be planning dry well locations. Once plans are received the hearing will be closed and OOC will be issued.

Motion: To close the hearing pending receipt of an updated plan locating drywells on the property located at 65 Eisenhower Drive.
--

Westman moved

Avery seconded

Avery – Aye, Barbera – Aye, Arguimbau – Aye, Cremer – Aye, Westman – Aye, Geller – Abstain 7-5-0-1 (Motion Passed)
--

8:57 PM	Public Hearings RDA 61 Eisenhower Drive, Single Family Residential Home Yury Deych
----------------	--

Tim McGuire from Goddard Consulting presented on behalf of the applicant, Yury Deych. The RDA before the commission was filed after the applicant withdrew an NOI after DEP issued a COC for SE-280-508. The applicant believes an RDA is the appropriate filing, stating there is no proposed work in the buffer zone.

Conservation Commission Meeting
Meeting Minutes January 20, 2022

The chair discussed prior violations on the property with Mr. McGuire, he did not believe there was any violation regarding wetland replications as he believes no wetlands were filled and no house was constructed on the property. Arguimbau informed Mr. McGuire that previous work would need to be considered before the commission could make a determination on the RDA. Mr. McGuire believed that the COC issued by DEP was an appropriate remedy and cited Gary Makuch's recommendation that the applicant withdraw an NOI and file an RDA.

The chair and Mr. McGuire discussed previous alterations on the land with historic plans to replicate the wetland area that included land off site which would not be permissible as the replication needs to be constructed on land the applicant already owns. Arguimbau stated she would connect with Gary Makuch from DEP. Geller provided members historical information as he built the house located at 65 Eisenhower Drive. He had witnessed clear filling of a wetland on the property located at 61 Eisenhower Drive and discussed the matter with a previous Conservation Administrator, Greg Meister.

Philibert discussed current wetland flagging with Mr. McGuire who told members a site walk was performed with DEP and the previous Conservation Administrator, John Thomas. Philibert reminded McGuire that the town bylaw states designation is based on vegetation alone. Mr. McGuire replied that John Thomas had confirmed the same line that the DEP data sheets illustrate and that were included in the RDA submission.

Arguimbau stated there should be a site walk scheduled and the hearing will be continued to February 3, 2022.

Motion: To continue the hearing to February 3, 2022

Barbera moved

Avery seconded

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

8:15 PM Public Hearings NOI 4 Beach Road, Convert Deck to Three-Season Room MWRA
Paul Hayes and Vicki Blanchard

Kristine Meaney from Site Design Professionals presented on behalf of the applicants: Paul Hayes and Vicki Blanchard. Proposed work would be within the 100 foot buffer to Lake Massapoag. The existing deck is built on sonotubes and no additional disturbance beyond the current footprint will occur. Philibert shared his screen, illustrating the 541.5 foot distance from the high water mark. Meaney described the project, saying all work will be done within existing lawn area and there will be minimal disturbance by construction vehicles. A small excavator will enter the worksite through the driveway.

Philibert previously performed a site visit. Cremer asked a question regarding replacing the current sonotubes and if there would be additional sonotubes required. The builder, William Keefe was present to answer questions, stating the architect had not finished the designs and it was unknown how many sonotubes would be utilized in the proposed project. Arguimbau suggested the increased weight might require additional sonotubes. Westman discussed roof runoff with Ms. Meaney. Installation of a cultic system will increase the recharge from what is there currently.

Conservation Commission Meeting
Meeting Minutes January 20, 2022

Applicant agreed to continue the hearing until February 3, 2022 with the hope there will be more information regarding architectural plans for the project.

Motion: To continue the hearing for 4 Beach Road to February 3, 2022.

Barbera moved

Cremer seconded

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

6-0-0 (Motion Passed)

8:30 PM Continued Hearings NOI 27 Lyndon Road, Deck & Addition to single family home
Paul Bien-Aime, Jr.

Steve Ivas presented on behalf of the applicant with Jennifer Ha describing the planting area and mitigation plans.

Motion: To close hearing and issue the Order of Conditions for SE-280-0640 per plan, applicant to notify the Conservation Administrator before work begins.

Geller moved

Cremer seconded

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

6-0-0 (Motion Passed)

8:40 PM Public Hearings NOI 156 Mountain Street, GET LANGUAGE
TetraTech

As there was no one present on behalf of the applicants the hearing was continued. Mr. Violanto, an abutter to the project, outlined his concerns about the project and informed members he will be attending the next hearing.

Motion: To continue the hearing to applicant's request

Barbera moved

Geller seconded

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

5-0-0 (Motion Passed)

8:43 PM Discussion Item(s) Lake Management Committee

Colin Barbera began the discussion informing members the LMC plans to submit a request for CPC funding to broaden testing for Lake Massapoag to address the bacteria counts and blue-green algae blooms that result in lake closures. The LMC has discussed the issues with Solitude in addition to Water and Wetlands, both agreeing the best way to start is with data collection.

LMC plans also include increased education and outreach by revamping the current kiosks located at public beaches as well as by creating a website so residents can understand what is happening with the lake and action they could potentially take.

Avery praised the idea of more nutrient testing, temperature, dissolved oxygen, and general climate as some of the areas that may be helpful. Members supported the LMC's initiatives. The chair discussed the warrant article which would be voted upon at Town Meeting seeking to expand the committee by adding someone from the Recreation Advisory Committee and expanding LMC duties.

Motion: To GET LANGUAGE

Cremer moved

Geller seconded

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

8:57 PM Discussion Item(s) Sharon Commission on Disability
James Newton and Jeff Mahoney

The chair met previously with James Newton and Jeff Mahoney seeking input for the OSRP about ADA compliance. Priorities include making outdoor spaces accessible for visually and physically impaired people.

Mr. Mahoney described signage that would benefit people who utilizes wheelchairs that could include information regarding elevation, trail materials, and ground cover. He also stated the importance of lowering the height of the signs so someone in a wheelchair could read the text. He named the Kind Philip Trail on Mansfield Street as a flat trail that is too narrow to be considered accessible. He noted Moose Hill also lacks ideal signage. Mr. Mahoney stated an accessible fishing dock would be a great addition to town facilities. He also noted that no one can be pushed off a boat ramp for ADA compliant fishing and he had personal experience where this policy was not followed at Lake Massapoag.

Arguimbau added potential plans that include a connecting loop on the Ames Street Trail connecting the Walter Griffin Playground with Hammershop Pond. Avery stated she would like this matter to be on the commission's radar throughout the year and not just a priority for the OSRP. Cremer suggested connecting with Eagle Scout candidates to promote accessibility.

Avery and Westman noted they would like to go hiking with Mr. Mahoney to assess accessibility. Members discussed choosing two priorities for the Spring and two priorities for the Fall. Arguimbau suggested making signage a priority and working with the SFOC and addressing the subject again in April with the goal of setting something up by May or June.

9:15 PM Discussion Item(s) Kasia Gilkseibert

Resident Kasia Gilkseibert spoke with the chair about her concerns regarding development in town, the Conservation Commission's jurisdiction, and the role the Planning Board and developers play.

9:28 PM Discussion Item(s) Storm Water Bylaw

Arguimbau informed members that she asked Lauren Barnes for a space holder for the Storm Water Bylaw in the warrant for Town Meeting as Article 2 has been addressed by the commission but it was another department's responsibility for Article 1. Avery highlighted the subject areas of Storm Water Agent and Storm Water Authority as topics she would like to discuss. Philibert noted that in conversation with John Thomas, it was recommended to connect with Kevin Davis to delegate some roles to the DPW.

Motion: To close the hearing for DEP#SE-280-0637 and issue the Order of Conditions according to plan.

Geller moved

Wasserman seconded

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

7-0-0 (Motion Passed)

9:36 PM Other Business Approve Meeting Minutes from December 9, 2021

Motion: To accept the meeting minutes from December 9, 2021.

Cremer moved

Geller seconded

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

4-0-2 (Motion Passed)

9:37 PM Other Business Master Plan Implementation Committee

Cremer volunteered to attend the Monday night meeting on January 24, 2022 discuss trails and bikes.

Motion: To extend Se-280-0490 and SE-280-0491 for a term of three years.

Avery moved

Westman seconded

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

7-0-0 (Motion Passed)

9:38 PM Other Business Elections

Motion: To nominate Margaret D. Arguimbau for Chair of the Conservation Commission and Meredith Avery for Vice Chair of the Conservation Commission.

Geller moved

Avery seconded

Conservation Commission Meeting
Meeting Minutes January 20, 2022

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

9:42 PM Other Business Lake Update

Lake level was at 9.8 when Philibert last checked.

Motion: To support the Stormwater Bylaw only to be submitted for approval at next Town Meeting.

Wasserman moved

Westman seconded

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

6-0-0 (Motion Passed)

Motion: To adjourn

Cremer moved

Avery seconded

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

6-0-0 (Motion Passed)