

Conservation Commission Meeting  
Virtual Meeting  
February 3, 2022

Roll call was taken of members and staff present included: Chair, Peg Arguimbau, Vice Chair, Meredith Avery, Keevin Geller, Stephen Cremer, and Jon Wasserman. Colin Barbera arrived after the meeting started. Alan Westman 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**      **Continued Hearing** NOI SE-280-0642 4 Beach Road, Three-Season Room  
Paul Hayes and Vicki Blanchard

Kristine Meaney from Site Design Professionals and Bill Keefe, the contractor, presented on behalf of the applicant. Philibert shared his screen illustrating the sonotube footing plan for the project. Eight of the existing sonotubes will be replaced with one additional sonotube added at the rear left corner of the structure. Members voted to close the hearing and issue the OOC with the condition that the department be notified when applicants seek other permits from corresponding town committees, boards, and departments. Joe Fishman has been hired to represent the applicant before the ZBA as the construction will be taking place on a preexisting non-conforming lot.

**Motion:** To close the hearing and issue an Order of Condition for DEP# SE-280-0642 with the conditions that when the applicant contact the Conservation Department office when seeking permits from other town departments and the project is built per plan.

Avery moved

Cremer seconded

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

5-0-0 (Motion Passed)

**7:38 PM**      **Other Business** Approve Meeting Minutes from January 6, 2022

**Motion:** To approve minutes from the January 6, 2022 meeting as amended.

Geller moved

Cremer seconded

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

3-0-2 (Motion Passed)

**7:39 PM**      **Other Business** Approve Meeting Minutes from January 20, 2022

Members discussed whether minutes can stand as a summary of what happened or if they need more detail. Cremer noted there were portions of the January 20, 2022 meeting that did not make it into the summary but it was agreed the material is on the recording.

**Motion:** To approve minutes from the January 20, 2022 meeting

Avery moved

Cremer seconded

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

4-0-1 (Motion Passed)

**7:42 PM**      **Continued Hearings** RDA 61 Eisenhower Drive, Single Family Home  
Yury Deych

Tim McGuire from Goddard Consulting presented on behalf of the applicant, Yury Deych. McGuire discussed the follow up phone call that had taken place with Arguimbau, Philibert, and Gary Makuch from DEP. McGuire shared his screen while explaining the issue regarding wetland replication area location. The applicant seeks to place the wetland replication area on land owned by the Town of Sharon. McGuire argued that since a wetland replication plan had been previously attempted on the parcel owned by the applicant and failed, it would not be their first choice to attempt placing in the wetland replication area in the same spot. McGuire questioned if it would be possible to discuss an option of the applicant submitting an NOI with a proposal to locate the replication area off site (on town-owned land).

Geller and Arguimbau discussed the need for the replication area to be on the same property. McGuire stated he had seen cases where wetland replication areas and Arguimbau made note and replied that it had never been done in the Town of Sharon before. McGuire stated that the applicant is willing to follow the commission's recommendations if it is decided the replication area needs to be planted on the same property.

Avery and McGuire discussed the soil hydrology and a previous wetland filling violation based on a wetland line from 2010. McGuire restated his goal at the hearing was to have a discussion about whether the commission may be amenable to the applicant proposing to create the wetland replication area partially off-site on Conservation Commission land. Avery expressed concern about the applicant's ideas to fill a site, build a house, and ask the town to dedicate land for success. Additionally, she stated she would like to see other options than the one that has already failed. McGuire stated his appreciation for Avery's input and restated that the hydrology would not support a wetland replication area and it would likely fail like it did in 2010. He also noted that John Thomas, the previous Conservation Administrator, had walked the property with Gary Makuch and agreed on the delineation of the stream line.

Geller told members he had witnessed an immense amount of fill transported to what was then an unbuildable lot at this location previously. He expressed concern about setting a precedent for the Town of Sharon by issuing a Negative Determination. Cremer and Barbera agreed with Avery's and Geller's comments.

Arguimbau suggested McGuire speak with his client and come back before the commission with a proposal at a future hearing.

**Motion:** To continue the hearing for an RDA for 61 Eisenhower Drive at applicant's request.

Cremer moved

Geller seconded

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

5-0-0 (Motion Passed)

**8:00 PM**      **Continued Hearings** NOI 156 Mountain Street, Solar Landfill  
TetraTech

Drew Lent led a power point presentation on behalf of the applicant regarding a NOI filed for work along the perimeter of the landfill located at 156 Mountain Street which will include: landscaping, and installing a perimeter fence that is part of the solar and energy storage project on the town landfill. Jason Guertin and Drew Timmis were also present on behalf of the applicant as well as Josh Burdett with DSD. George Aronson and Silas Flyer from the Municipal Solar Oversight Committee were also in attendance. No abutters were present.

Lent gave a brief overview of the project. A 5 megawatt/hr solar project and battery energy start system will be located on the landfill which has been closed for 25 years. The site was a former landfill from approximately the 1930s to 1996/1997. The maximum panel height will be 8 ft. and the chain-link fence will be 7 ft. tall for safety reasons. A 2.5 megawatts/hr battery energy storage system will be located at the same location where a garage is currently on the property. Since 2019, the applicant has worked closely with the Municipal Solar Oversight Committee prioritizing a landscaping program for which DEP issued a post-closure permit with the approval of a series of conditions that are common for these types of projects, similar to OCC special conditions. If approved, construction could begin in the summer of 2022. No construction activity will take place within wetlands. Landscaping will take place within the wetland buffer including: sedimentation control, silt fencing, and erosion measures.

Arguimbau asked if the fence will have barbwire at the top (as was shown as an example at a similar project). Lent answered that DEP plans do not include barbwire at the top. Cremer and Lent discussed access to maintainence areas and potential wetland disturbance. Lent answered: a portion of the existing road is in the wetland with access to the site off of Mountain Street. Plans include low-pressure equipment to protect the landfill cap. They continued to discuss cabling between panels which will be on the lower side of the panels with an underground trench to get access to the electrical pad. Cremer asked about potential negative effects witnessed at other landfills with regard to outgassing affecting the lifetime and durability of the frames and collectors. Lent he was not aware of any negative effects resulting from projects similar in scape and type.

Arguimbau and Lent discussed the planting plans which will include: American Holly, Atlantic White Cedar, White Spruce, Austrian Pine, Sweet Gum, Red Maple, American Beech, Eastern Red Cedar, and White Pine. Arguimbau requested that there be contact with the Conservation Department office throughout the planting process.

Barbera, Arguimbau, and Burdett discussed the transformer location. Burdett informed members that a noise study had been performed and notice sent to abutters. Avery discussed the option of putting pollinator seed mixes under the panels instead of gravel or solely grass. Philibert suggested clover might be a species worth considering. Lent suggested they revisit this idea when the project is complete.

**Motion:** To close hearing pending receipt from a file number from DEP and issue an OOC with special conditions

Cremer moved  
Wasserman seconded

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

**8:35 PM Discussion Item Storm Water Bylaw Rules and Regulations**

Arguimbau updated members that Philibert has been working with Peter O’Cain and Kevin Davis at the DPW about Stormwater Bylaw Rules and Regulations. Finance Committee Member Brian Collins has been assigned to this article on the warrant for Town Meeting. The matter will be taken up at the February 7, 2022 Finance Committee meeting. Collins found that many other towns combine Stormwater hearings and Conservation Commission hearings. Members discussed benefits and drawbacks to holding all hearings within the same meeting and the potential of requiring applicants to attend multiple meetings before the same body. Another topic up for discussion was the project size and need for a hearing. Discussion will continue at future meetings about what size project will trigger a need for a hearing (e.g.:.5 acres or 1 acre?). Philibert also discussed with members the additional administrative tasks associated with holding additional hearings.

Arguimbau stated that there is one project that is going to need approval and is currently going through the process with the DPW.

**8:48 PM Discussion Item Conservation Administrator Update**

Philibert plans on attending the Massachusetts Association of Conservation Commission Fundamental Certificate Training as well as pursue coursework in Chapter 91 rules and regulations as well as soil coursework.

He also gave members an update about how he will be meeting with Kevin Weber next week to address the need for board replacement at Knifeshop Pond to restore the water to historic levels.

Kurt Beurmann from the SFOC will be meeting with Jeff Mahoney to discuss ADA Accessibility on trails in town and signage concerns.

Also discussed was the priority of bringing in a trail steward intern (for which funding has been already allocated for this fiscal year) and the possibility of including lake sampling as part of the roles and responsibilities for the position. Philibert is currently discussing the \$8,000 allocated with Krishan Gupta and will report back to the commission.

Linda Berger, the Recreation Department Director, will be in attendance at the February 17, 2022 meeting to discuss the potential for more ballfields to be located at the Conservation Commission land located on Lakeview Street and Morse Street. The area currently serves as butterfly habitat.

**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)

<b>8:59 PM      Motion to Adjourn</b>
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<p><b>Motion:</b> To adjourn</p>
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<p>Cremer moved</p>
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<p>Barbera seconded</p>
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<p>Avery – Aye, Cremer – Aye, Wasserman – Aye, Barbera – Aye, Geller – Aye, Arguimbau – Aye</p>
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<p>6-0-0 (Motion Passed)</p>
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