

Conservation Commission Meeting
Sharon Community Center
May 5, 2016 - DRAFT

Peg Arguimbau, Chair, Alan Westman, Keevin Geller and Meredith Avery were the members present. Stephen Cremer arrived a bit late (see below). Member Linda Orel was not present. The Conservation Administrator, Greg Meister, was present.

A sign-in sheet is on file in the office listing other attendees of the meeting.

Meeting started at 7:45pm

7:45pm – Notice of Intent, Massapoag Yacht Club (MYC), 58 Lakeview Street
Proposed expansion and improvement to shelter and deck

Representing the applicant was Dan Merrikin of Merriken Engineers. A Notice of Intent (NOI) was submitted as the MYC would like to add a new shelter building and deck. Merrikin explained that there is a gravel road which leads into the club and a paved apron leading to the dock. Additionally, there is boat storage located at the site. The MYC is looking to put in a shelter and deck which will connect to the existing shelter via the deck. The shelter will be built upon sonic tubes. Approximately three trees will need to be removed. They have provided information to Natural Heritage of their plans and are waiting to hear back from them. The proposed work is located within the buffer zone. Most of the land is pretty level. The shelter design and building being proposed does not get any closer to the resource area than the existing deck currently is. This new shelter will be used for club events.

This hearing will be closed pending comments from Natural Heritage. If changes come in from Natural Heritage, then MYC will need to return for a continuation of the hearing.

Motion: to close hearing pending receipt of notification from Natural Heritage. Orders issued are per plan, with Commission office being notified of contractor and contact info and notification 7 days prior to beginning project.

Avery, Westman 4-0-0

Cremer arrived at 8pm.

8:00PM – Notice of Intent, Andrews, 332 North Main Street
Proposed replacement of an existing barn.

There is an old barn located towards the back of the property, with a lean-to attached. The current structure has been continually added onto over the years. At this point, the barn and sheds are deteriorating and the owner would like to replace the old structures with a new barn. The size of the new barn will be built using the square footage of the existing barn and shed. The new barn will be approximately 864 square feet. This barn

will be moved away from the back of the property line and centered in the yard so as to present better when one looks down the driveway. Once this barn is built, the older structures will be demolished, returning the land they were built upon into pasture. Andrews explained to the Commission members his plan for building the barn.

A fence will be put up in the back, along the property line.

Commission members voted to issue a negative determination with the following conditions: A fence will be installed along the back of the property line, the placement of the fence will be incorporated into the plans, and all old buildings will be removed from the property.

Motion: to issue a negative determination
Geller, Westman 5-0-0

8:15PM– Violation Enforcement (Continuation hearing), 635 Old Post Road

Eric Dias, PE was presenting to the Commission, representing Diamond Builders. Dias explained that the last time he was in front of the Commission, he discussed the restoration plans to which Commission members and abutters had concerns with. Since then revisions have been made to the plans. On Wednesday, he met with the Greg Meister and John Rockwood at the site to review where and what would be planted. There were some comments made which have been incorporated into the revised restoration plans. Rockwood has reviewed the revised plans and is satisfied. A peer reviewer will be on site to oversee the restoration and will provide monitoring of the restoration as outlined in the contract. Dias believes that at this time, everything is in good shape to move forward. He has copies of the updated restoration plan.

Revisions: As far as the location of restoration and the species to be planted, nothing has really changed. Additionally:

- 1) Prior to the start of work, the delineation area will be reestablished.
- 2) The woody debris from the cutting of the trees will be collected and stockpiled, to be used as needed after new trees have been planted.
- 3) Trees will be redistributed throughout the area.
- 4) A barrier control will be put in towards the downgradient area.
- 5) Though previously it was thought to cap the cut stumps, instead they will be cut to a level of about 1 to 2 feet above the ground to promote regrowth and sprouting.
- 6) Methods of replanting discussed. Some of the trees are rather quite large and will be needed to be excavated in and staked.
- 7) The Commission's wetland scientist will oversee all the work instead of the builder's wetland scientist.
- 8) Trees will be planted within the wetlands. (a couple of red oaks, red maple, and a white pine.) A straw waddle will be placed in the wetlands so that the trees can be brought in.
- 9) Plant location will be field adjusted. There may be a possible addition of American white elm.

Approximate timeline for the plantings of the trees will be about three days. Holes will be based on the size of the root ball.

Watering. In order to establish the trees, a water truck may be brought in, especially throughout the summer. Trees will be watered until about Mid-September.

There will be on-site supervision during construction. The growing season is coming to an end and the builder would like to begin restoring the area. A report will be completed which will provide recommendations for a watering schedule. The first three months of the trees being planted are the most important.

Abutters:

John Lee asked how many trees in total are being planted. (37 in total, plus shrubbery). Lee is concerned that the size of the trees removed was significant. They were 30 to 40 foot trees which provided a large canopy of the area. He asked if it made sense to perhaps plant smaller trees as well.

Rockwood: To protect wetland and wetland buffer, shrubs could be planted within the wetland. They do not need to be scattered. Upland trees should be concentrated in the buffer area. The replacement trees are quite large and will create a rather large canopy.

Lee asked to whom Rockwood would be reporting to.

As Rockwood is the consultant for the Commission, that is who he will report back to. An account will be established by the Town Treasurer to which the developer will deposit funds to cover the cost of the consultant.

Drew Delaney asked if soil samples were taken. He was concerned that older, heavy machinery was brought in, and there may be possible leakage of diesel fuel.

Rockwood: The soil where the trees will be replaced will be removed and put into the limit of work for the project. When the hole is dug, a vast majority of the soil will be removed from the site. Additionally, landscapers typically put some amended soil in and around the tree area and top it off with native soil.

Delaney also asked why the trees are being replanted now and not after the septic has been installed and the buildings built. He was also concerned what the area will look like 30 years from now. Though the current plan looks great now, what will it look like down the road? 66 units will be built. Has there been any thought about sunlight, wind, snow, etc..?

Rockwood explained that these trees will grow under all of those conditions.

Arguimbau explained that it was the Commissions responsibility to act on the violation now, before the developer begins to focus on other issues of the project. The

Commission is tasked with bringing the violated area into compliance. Since the trees being replanted are quite large in diameter, it will lessen the time for them to grow. Though the area will not be like it was prior to the cutting of the trees, and the damage has already been done, it is the Commissions responsibility to ensure that the area comes into compliance as best as possible. With the assistance of the wetland scientist, it is hoped that the success rate of the replanting is high.

Dmtry, owner of Diamond Builders. He apologized to the Commission and abutters for the cutting of the trees. His contractor made a genuine mistake and he is truly sorry. He would like to do the right thing.

Dan Sechenberg, Walpole Country Club (WCC). He has attended the meeting tonight as the WCC is interested in the proceeding and they have worked with Developer in the past. He appreciates all the work the Commission is doing.

Meister asked Dmtry about the deed for the remaining area located at the back. A CR will be placed upon that portion of the property. There is a possibility upon completion of the project he may deed over the CR property to the town, but he needs to look into financial issues prior to doing. He will have an update next week once he speaks with L. Whalen who is preparing the deed.

An abutter mentioned that the groundwater levels should be looked at.

The contract for John Rockwood includes a three year monitoring plan 2016-2018. Upon completion of work at the restoration site, Rockwood will forward that info to the Commission office. Arguimbau signed contract for the services of J. Rockwood.

Motion: to accept and enter into contract with Eco Tec (J. Rockwood)
Cremer, Westman 4-0-1
Arguimbau signed for the commission.

An enforcement Order against Diamond Builders has been signed by Commission members to be included in the file of 635 Old Post Road.

Lee inquired as to the time frame for restoration. At what point will other site work begin? Important to impose a 3 day wait period for restoration to begin before other site work begins. A path will need to be made so that trees can be brought in, therefore, work will need to begin on the restoration site prior to actual restoration beginning.

Dmtry explained to Commission members that he is waiting on nurseries for trees. Meister explained, that typically, once site has come into compliance, the work typically resumes.

Arguimbau explained that the focus of the Commission is restoration; they have no control over activities outside of the buffer zone. Once restoration begins, the developer may continue with other work.

It is important then that restoration begins first and that nothing else gets started.

After further discussion, the following **motion** was made:

Motion to set expectation that work on the restoration area will be the priority of the developer for the next two weeks and site work outside the buffer will consist of work to enable the restoration area only. Once 75 % of plantings have been planted and consultant indicates compliance and continued progress, work may begin on the rest of the site.

Avery, Westman 4-0-1

Folks were encouraged to phone the Commission office if they notice anything going on at the site.

Dias will work on getting trees and shrubbery and will be in touch with Rockwood.

Approval of meeting minutes 4.21.16

There was not a quorum at this meeting, and Arguimbau asked that a notation should be noted at the top of the minutes to reflect that.

Motion to accept minutes as amended.

Avery, Arguimbau 2-0-3

Vouchers signed by commission members.

Discussion: Mont Fern

Town resident has asked for discussion of road access to Mont Fern be put on the agenda. The Commission owns the land on both sides of the road. Meister has asked for legal counsel to be present during this discussion, therefore, this discussion has been moved to the May 19th meeting.

Other Business (Town Meeting)

Meister informed Commission members of the following:

- The Warrant Article at town meeting regarding Piona passed and has moved onto the State.
- The gas line initiative passed. Concom and selectman are being asked to be interested parties. There will be a vote at the next Board of Selectman meeting asking for Boards support.

- Commission needs to determine what they wish to do. There are 13 parcels which may be affected.

May 19 Agenda Items: Gas Line Initiative, Mont Fern

There are a number of hearings coming up regarding the pipeline (Spectra). Commission members will receive emails for this directly from opponents of Spectra.

Would like a representative from Spectra to come in and speak with Commission members.

Survey of land - Meister does not recall a survey of the land being done. Arguimbau believes that it should be looked into to see if any permission was granted to survey the property.

Old/New Business.

There was not a quorum at May 5th meeting to vote on the Conservation Guidelines. Arguimbau is asking for Commission members at this time, to vote on the Conservation Guidelines. A finished document was emailed to members for review. A vote needs to be taken tonight.

Motion: move to accept operating guidelines, Cremer, Geller 5-0-0

Meister informed members that the additional soccer field proposed at Gavins Pond failed at town meeting. He met yesterday with Whalen, Town Counsel, to discuss. The history of this parcel dates back many years. It was swapped for aquifer protection and a well site. That language is in the original land swap agreement with Skanko, the developer of Quail Ridge. However, that language unfortunately did not make it into the deed. Meister is very upset about this. In terms of change of use, at this point, he would like to get the language straightened out so that the citizens of that part of Town do not have to go through this again. That portion of land is considered Priority Habitat. There are a number of issues going on at this point, some of which can be discussed publicly, others in executive session.

L. Whalen was asked for an opinion of 154 acres off of Morse Street and part of Horizon for Youth subdivision. The deed was done through the Zoning Board, but went to BOS first. Commission should discuss.

Update of property currently in discussion. Meister would like another appraisal of the property. He believes that an appraisal is a requirement of receiving funds from the CPC. In order to be on the Fall Town Warrant, the appraisal must occur before July. Meister will reach out to Whalen for a name of an appraiser.

Motion: to engage an appraiser
Cremer, Geller 5-0-0.

Discussion about open space within the town. Some believe that the Commission controls 46 percent of open space land within the Town. Meister said it is more like 11 percent.

A vacancy on the Conservation Commission still exists. It is understood that the BOS was going to interview an applicant, but to date, nothing has been heard regarding a reappointment. Member reappointments will change a bit to get everyone on 2, 2 and 3 cycle.

Next meeting is scheduled for May 19th. Agenda items to include a lake update by Rob McGrath, and N. Siegal of Lake Management.

A Commission member raised the question regarding the enforcement of boats entering the lake and checking for invasives. It will be similar this year as has been done in the past. D. Malcomson has been hired to be at the boat launch area in the early morning to check any boats coming in. Also, Meister has spoken with the police chief regarding cruisers driving through the area. Meister will follow up with the Chief when the season gets going.

Motion to adjoin
Cremer, Avery 5-0-0

Meeting ended at 9:10pm