

Conservation Commission Meeting
Sharon Community Center
May 19, 2016 - DRAFT

Peg Arguimbau, Chair, Linda Orel, Stephen Cremer were the members present. Alan Westman arrived a bit late. Meredith Avery and Keevin Geller were 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. There was no quorum at the start of the meeting.

7:45pm – **Request for Determination of Applicability, Amtrak Right-of-Way**
Renewal of wetland delineation along Amtrak's Right-of-Way for Vegetation Management. Tom Lewis of Tec Associates was presenting on behalf of client. He explained to Commission members that his company manages the vegetation management plan for Amtrak. The vegetation management plan (VMP) is a five year plan, with the most recent expiring last year. He is required to go to all municipalities with VMP's to review and if necessary, update the delineations of the resource boundaries. The current boundaries were established five years ago. There are both spray and no spray areas within the site, which includes both wetland resource areas as well as water supply resources. There is a restriction of applying herbicides within the Zone 2 well head recharge areas as well as any interim recharge areas. Zone 1 is considered a no spray area. Lewis is in front of the Commission for approval of the current delineation boundary.

Meister explained that he will need to review the current delineation area to corroborate what is being proposed. Usually there are no changes, but he likes to review. He also at times likes to perform spot checks of the area.

Commission member asked how the jurisdiction of the area is shared with the MBTA. It was explained that this was determined by who is responsible for maintenance. In this instance, the Right-of-Way area is under Amtrak purview, so it is their responsibility. Proposed treatment of the site is the same which has been previously proposed. The Commission should receive a plan every year of what is being done. Products used can change, however the delineation of the area remains the same for each five year period. Lewis is asking the Commission for approval of the Delineation Line. The area in Sharon totals approximately 6 miles.

Meister will meet Lewis to review the delineation line prior to the next meeting, scheduled for June 2nd.

8:00PM – Discussion: Mt Fern Ave and Access

There was a brief discussion about Mt Fern Road at the Commissions last meeting as requested by town resident Christos Zabounidis. This is a continuation of that discussion. Town Engineer Peter O’Cain asked the Town’s Legal Counsel for an opinion with respect to usage and access rights to Mt Fern and Lexington Way. Town Counsel Lisa Whelan was present to assist and provide a better understanding of what is happening at Mt Fern and Lexington Way. Whelan explained that Mt Fern/Lexington Way is now considered a Private Way. Though previously it may have been considered a ‘cart path’, the roadway was never accepted by the Town as a Town Road. Massachusetts considers ownership of roadway by abutters to the middle of the road. Currently, within the private way, there are multiple land owners. At either end of the roadway, (Edgehill Road to Bullard Street side there is private land ownership. Within the middle of this private ownership, the Conservation Commission owns land on both sides of the road, giving them ownership of the entire roadway in the middle portion of the land area. According to State law, landowners who abut a private-way, are often given deeded rights of access to the length of the roadway. However, Whelan has not looked at all titles of potential abutters to Mt Fern/Lexington Way to see if they have indeed been granted access to the length of the roadway as this would be quite expensive to the Town.

Given the current research, it does not seem that the public has access to Mt Fern/Lexington Way.

Mr. Brandt, an owner of land located on Mt. Fern, believes that he owns a portion of the land in which the roadway goes through. Given that, he believes his neighbors have access, but the public does not. (Looking at the map provided, it would seem that Mr. Brandt is correct in his statement.) There was mention of posting “Private Way” signs at both ends of the roadway.

Mr. Christos would like to petition that the roadway be accessible to the public, or at least that portion of the roadway which the Commission owns. He has been using the roadway for many years, walking and off-road vehicular use, as well as maintaining the roadway for use. He would like the Commission to grant permission for this use to continue.

There was lengthy discussion of the roadway and how to access existing trails (Warner Trail) which run along the boundaries of private land owners and through Commission owned portion of the land. There was also a brief discussion of the Conservation Restriction placed on the Commission owned land and allowable uses (vehicular use not allowed).

Town Counsel will look further into this and will be back on June 2nd to discuss further.

8:15pm: Lake Update: N. Siegel & R. McGrath

Currently, the level of the lake is a bit over 10.5 and is in better shape than it was a year ago at this time. There has been more water coming in, though the past few weeks have

been dry. The lake has been stocked with Trout and Commission members asked how/who was notified and who makes the decision to stock. Siegel said that the Lake Management Committee was not notified that the Lake would be stocked. Commission was also not notified. Commission member asked if there was a process for stocking. Siegel indicated that it is the State who decides if and when a lake will be stocked. Last year, the State did not stock Lake Massapoag due to the high permit fees the Board of Selectman (BOS) voted to establish for non-resident boaters. This year, the BOS voted to reduce the fees of non-resident boaters to the same fee charged residents. Siegel expressed a desire that in the future, Lake Management be involved when the lake will be restocked.

The current plan for the lake this summer is the same as has been in the past. Meister will oversee and keep an eye on the lake level, the temperature and monitor for weeds. He will keep the Commission apprised of what is happening at the lake throughout the summer.

McGrath has checked on the area cleared of fanwort last summer by him and Arguimbau. He will monitor throughout the summer. He is concerned with the pond located behind the Community Center as it is quite weedy, and perhaps that fanwort may be there. He will continue to monitor both.

Invasive and weed checking signs remain posted at the boat ramp. When folks apply for boat permit, there was talk about including literature on weeds and cleaning boats with the boat pass. Siegel has been in contact with the new Recreation Director who will be attending their next meeting. Meister suggested to meet with the Chief of Police as well about periodic patrols of the boat ramp. Siegel informed the Commission that he has already spoken with the Chief and he is open to periodic patrols. Brief discussion on ticketing violators and who has authority. This will be looked into further.

The water quality of the lake is checked throughout the summer. The Board of Health checks for E-coli weekly. Lake Management will perform other tests and will track and put into a database. Additionally, this year, Lake Management will track the flow into the lake on a regular basis from behind the community center to try to correlate with rainfall.

The Lake Management Committee has a website to which McGrath tries to post to weekly.

8:30pm – Discussion: Adopt a Trail: K. Buermann, Friends of Conservation

Buermann informed the Commission that many of the Town's trails are in pretty good shape. They have a rag tag of volunteers who ensure the trails are in good shape and when, if needed, get together to work on larger projects. Buermann mentioned that it was difficult however, to clear fallen trees, litter, green briar, etc....At this time, he would like a more formal program to maintain the trails and keep them in good shape. In discussions with the "Friends" they thought that perhaps developing an Adopt a Trail

program might provide some benefits. Those folks who hike trails often or those who live off of /near trails may be interested in helping to maintain the trails. Discussion amongst Commission members of what “Adopt A Trail” program would look like. Buermann will research further, and draw up guidelines of what would be expected of those who adopt a trail, what tools (not chain saws) would be allowable to be used, etc..... He thanked the Commission for their time and ideas and will be back once the Friends have something more definitive for the Adopt A Trail program.

Other Business

635 Old Post Road: Meister informed the Commission that replication has been completed. The weather cooperated and it took three days to complete. Some good size trees have been planted. Rockwood was present the whole time, overseeing the project. He will return in two weeks to check on how things are doing and will then prepare a report for the Commission.

They Developer has met and satisfied the requirements of the replication. At this time, they would like to be able to move forward with their project and bring in a construction trailer.

Motion: To allow work to resume at 635 Old Post Road
Westman, Orel 4-0-0

The Developer has been put on notice about getting the Commission a Conservation Restriction. The can move forward with their project, however, if nothing is received soon, their project will be stopped. Put CR/Deed update on the next agenda.

Spectra: There will be a meeting next Tuesday, May 24th at 7pm at the Community Center. Many of the Town boards have been invited and will attend. Arguimbau believes that Commission members should attend this meeting. This will be an agenda item on June 2nd for discussion.

Arguimbau suggested that ribbons be put on trees located along the proposed route by Spectra so that town folks will have an idea of where the pipeline will run through. Discuss at next meeting.

Approval of May 5th Meeting Minutes moved to June 2.

Motion to adjoin regular meeting and go into Executive Session for purposes of discussing potential land acquisitions:

Arguimbau: Yes

Orel: Yes

Westman: Yes

Cremer: Yes

Regular Meeting ends 10:00pm