

Conservation Commission Meeting  
Sharon Community Center  
June 2, 2016 - DRAFT

Peg Arguimbau, Chair, Keevin Geller, Linda Orel , Meredith Avery and Stephen Cremer, were the members present. Alan Westman arrived at 7:55pm. The Conservation Administrator, Greg Meister, was also present.

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

Meeting started at 7:45pm

**7:45pm – Hearing Continuation: RDA Amtrak Right of Way**

Meister met with TEC representative yesterday to review wetland boundaries. An Amtrak representative needed to be present as they were very close to the tracks. Meister went to selective spots. Boundaries marked by stanchions not paint on rails as originally thought. Three portions of the area were reviewed. Meister noted that most of the treatment area is considered Zone 2 and is treated every 2 years. Meister was satisfied and believes that the hearing can be closed. Treatment will begin next month at some point.

**Motion:** To close and issue negative determination.  
Cremer/Orel 4-0-1 (motion passed)

**Motion** to issue negative determination per plan referencing markings on stanchions and not painted on rails as originally thought.  
Cremer/Orel 4-0-1 (motion passed)

**8:00pm – Discussion: Continuation of Mt Fern/Lexington Roadway and Access**

An updated opinion letter from Town Counsel was received. As stated in the first opinion, Mt Fern/Lexington Way are not open to public access. Those with lots along the road however, have deeded access. Though the Commission owns both sides of the road towards the center of Mt Fern/Lexington Way, aside from access via a nearby trail, there is no public access to the Commissions Land a roadway. Arguimbau read legal opinion.

Zabonidis asked for clarification of legal counsel’s position on vehicular access on Mt Fern/Lexington Way. He asked about use of the road in case of an emergency. Arguimbau responded that no vehicular access is allowed, unless there is a need for something to be fixed or monitored. Arguimbau further stated that if there were a fire, then a fire truck would be allowed access, however, if the emergency was of a personal nature, then vehicular access would not be allowed. Arguimbau reiterated that Mt Fern/Lexington Way was not an emergency roadway, but a private road for private use only.

Zabonidis asked about placement of a sign which states ‘Private Property’ and whether that sign was valid as it seemed to be located on Town owned land. Brandt, property owner who put up the sign, explained he put the sign up erroneously on Town property,

and that he will move to his property. He will notify the Conservation Office when the sign has been moved.

Further clarification of use of roadway. Mt Fern/Lexington roadways are considered private roads. No public access is allowed. There are trails located in the area which are meant for walking. Access to the trails is the only way to get to the roadway. Meister reiterated that on-motorized use of conservation land is allowed, but access to conservation land must be done legally.

### **8:15PM– Discussion: Spectra Gas Line**

Arguimbau informed Commission members that the proposed gas line will go through a number of other towns as well as Sharon and that the portion of the pipeline going through Sharon is known as the Q1 loop. Arguimbau mentioned that the comment period to Federal Energy Regulatory Commission (FERC) has passed. However, there is concern that the comment period ended prior to all resource reports being available for public review. Orel mentioned that administrative procedures must be followed and if they were not, then perhaps a legal issue may exist.

Birgitta McAlevey, an advocate for the Sharon No Pipeline group was present. She mentioned that FERC is notorious for operating in this manner. She informed the Commission that papers have been filed asking FERC to extend the comment period by 45 days to allow review and comment on the resource reports that came out late and that an additional 45 day extension will be requested for resource reports that are still being released. McAlevey also mentioned that Sharon Town Administrator, Fred Turkington, wrote into FERC, as did many others including Mass Audubon, the Trustees for Reservation and US Senator Ed Markey. The Commission can access the submitted comments by subscribing to the FERC docket. The attorney for Spectra could also send out pdf's if requested.

McAlevey mentioned that it would be most beneficial for the Towns affected by the Q1 pipeline to band together and to petition federal representatives and senators to write to FERC of their concerns with the proposed pipeline.

McAlevey informed Commission members that the time to act is now. She mentioned that if the water quality permit was withheld, then FERC could not allow the pipeline to go through the towns. The water quality permit comes from the State. There may be some influence at that end. A letter should be written, using the Audubon letter as a guide (they have done a lot of research and some of their issues would be similar to ours). This letter should be signed by representatives of the various towns affected by the Q1 loop and sent to FERC, and cc'd to: Governor Baker, Congressman Kennedy, Senator Warren and others. Orel mentioned that she can review the letter.

Meister and Arguimbau will work on preparing a letter based on the format of the Audubon letter. Orel will review. Another letter should be written to DEP. Avery

mentioned she could provide guidance; however she may need to recuse herself from any hearings as her employer is involved with the pipeline.

Meister mentioned that there should be coordination with the Town. If the Selectman were going to send out a letter, perhaps a joint letter could be sent? The Selectman letter most likely would focus on political issues, but could include a paragraph on the issues the Commission is concerned with.

Orel mentioned that bulleting items may be a good idea. She believes that it is best to be brief, listing major concerns, as this would be easier to read.

McAlevey will forward letters from Trustees and Audubon.

Meister should perhaps reach out to Benson at the MACC and perhaps Ricci? They may be available to give a presentation.

McAlevey will send Meister the resource reports which have been released. The impact to Sharon is on Article 97 properties and through Audubon lands. McAlevey will assist the Commission in any way she can. There is a lot of information which the Commission should begin gathering and reviewing.

### **8:30pm – Report on Cedar Swamp Symposium**

Meister informed Commission members that a symposium takes place every 2 -3 years. People from all over the country attend. The Cedar Swamp Technical team worked on this on their own time. The Director of Ecological Restoration was present for the Cedar Swamp Tour. He indicated to Fletcher that they (the State) had a hard time giving this project status as it was uncertain if a full restoration was possible. He informed Fletcher that at this time there were two sources of money which may be available for the project.

The group came up from Plymouth on one large motor coach bus. 2 fifteen passenger vans were rented, and the Council on Aging bus was used to transport several groups to the three sites. At each site, presentations were given (Fletcher and Lauenstein, Price, Aimilee and Norfolk County Mosquito representatives). A field guide was provided to all.

### **Approval of meeting minutes: May 5, 2016**

- Should note specifically when motions are passed/failed
- Correct spelling of “Whelan”
- Should be ‘sono’ tubes

Meister mentioned that the land appraisal should be done any day now.

**Motion** to accept minutes of May 5 as amended.

Cremer, Orel 5-0-1 (motion passed)

**Approval of meeting minutes:** May 19, 2016

Prior minutes said at next meeting to discuss ribbons on trees, noting where spectra gas line would be going through. Arguimbau began making a list. Need to come up with a tag/ribbon and where they should be put. Should be something visual, and along the roadway. Will discuss at a later date.

**Motion:** to accept minutes of May 19, 2016  
Cremer, Orel 4-0-2 (motion passed)

**Update on land acquisition**

There is a July deadline for all requests to CPC.

**Summer meeting schedule.**

Tentative schedule: July 14<sup>th</sup>, August 4, Sept 1<sup>st</sup>.

**635 Old Post Road**

John Rockwood performed the 2<sup>nd</sup> week inspection. Things look great. There has been watering. A few shrubs need to be watched.

**Open Space Planning.**

Need to work on come the fall.

**Motion:** move to adjourn.

Cremer, Geller 6-0-0 (motion passed)

Meeting adjourned at 9pm