

Conservation Commission Meeting

Sharon Community Center

July 12, 2018 - DRAFT

Margaret Arguimbau, Chair, Stephen Cremer, Keevin Geller, Meredith Avery and Jon Wasserman were the members present; Michael Donatelle and Alan Westman were not present. 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

**7:45 PM – ANRAD 990 Providence Highway
Garret Tunison, Optima, on behalf of applicant**

The property located at 990 Providence Highway is located within the boundaries of the Town of Sharon and the Town of Walpole. A BVW has been delineated on and adjacent to the site along the western portion of the site. Tunison informed Commission members that the wetland boundary, as marked on plan, consists of flags A-1 through A-38 and runs to a bank of an intermittent stream. A second set of flags, series B-1 through B-5 delineates the Sharon Bylaw wetland based on fifty percent or greater wetland vegetation. Tunison met with Meister on site to review the flagging. The developer will be abiding by the bylaws in both the Town of Sharon and the Town of Walpole. The buffer is shown on the plan presented. Tunison was asked to initial the plan.

Arguimbau stated: “Let the minutes reflect that the line Commission is approving will be the line noted on the plan which is shown as the bylaw bvwl line in the two locations as described by Mr. Tunison”

Motion: to close the hearing
Geller, Avery 5-0-0

ORAD will be issued upon plan reference as stated above.

Warrant passed around for signatures

**8:00 PM – NOI 595 & 63 Old Post Road
40B Residential 66 units in two buildings. Original NOI issued in 2005
Eric Dias Strongpoint Engineering, representing the applicant, 635 Old Post, LLC**

Dias explained he was before the Commission with a request for a reissuance of the expired Order of Conditions for the property, and that the applicant is not asking for any changes to what was previously requested. The applicant has filed a new Notice of Intent, as the original Order of Conditions had expired in 2012 (this went unnoticed by the previous developer) and a new owner of the property has taken control. The name the original permits were issued under has remained the same: 635 Old Post, LLC.

Building 1 is currently under construction on the site. The majority of the work is complete, including installation of the stormwater management system, the septic system, and site utilities.

The NOI is being re-filed in order to complete the remaining approved work and infrastructure.

The majority of work located within the buffer has already been completed. This includes: vegetated stormwater basin and full basin stabilization; installation of retaining wall; site restoration beyond the basin area; site drainage system and earthwork relating to the parking lot. Remaining work includes a small area of pavement along the northwestern edge of the stormwater basin; final stabilization of grading along the shoulders; installation of a guard rail along the top of the retaining wall; ongoing erosion control maintenance and monitoring and final cleaning and routine maintenance of the stormwater management system.

Part of the conditions to obtain approval from the ZBA included issuance of a Conservation Restriction (CR) of approximately 12 acres (land extending out to Route 1). Meister has been working with legal counsel on this and the CR is almost complete (they were waiting on a plan of the area).

Dias explained that the previous owner framed, sided, and put a roof on Building I. But then it was all removed. When the new owner took over, the building was vacated and he began rebuilding. In the meantime, a complaint had been filed with DEP; the fence with the DEP approval number had blown over, there was construction activity at the site.

Meister informed Dias that replication from a prior violation needed to be followed up. Removal of buckthorn needs to take place. Meister is not sure where the previous owner fits in or who the new owner is. He would like contact information for the new owner.

With regards to restoration work which needs completion, Dias believes there may have been some disconnect. He will work with John Rockwood to ensure that the buckthorn is removed.

Meister noted that the Orders for restoration are in addition to orders for the 40B. Need to look at date when restoration order was granted; it is thought to be coming up on two years.

Meister has been out to the site. The last report he received from Rockwood noted that some trees did not make it, but he is waiting for the final report. According to the last report, there was a 75% survival rate, with the only major issue being the buckthorn.

An additional concern Commission members indicated was notification to abutters of the filing of the NOI. It seemed that folks were only informed this past week of the filing of the NOI and hearing.

Drew Delaney, abutter to the development, had several concerns:

- Discussed CR tonight. As this project dates back to 2005, why is the CR only now being done?
- Original building needed to be torn down. Why? Concern about other work on the site. Is it up to par and safe?

- The basin is located within the buffer, and he is concerned about protection of stormwater runoff.
- The wetland buffer is not fully established, he has concerns.
- Concern with what may be going into the basin.
- Original developer is still seen at the project site, is he still involved?
- Construction workers are parking off the pavement and when they leave, they are tracking material and debris onto the public roadway. This is of concern to the neighborhood. (Stormwater report notes that roadway must remain clean).

Dias answered some of the abutters concern.

- Understands concern regarding the CR, his responsibility is to advise owner of property. The new developer is currently working on the CR.
- The Basin and building are not related. The contractor who built the building is not the same contractor who built the basin.
- Stormwater does not rely on vegetation.
- To his knowledge, the original developer is not to be on project site.

There will be an Association at the complex who will be responsible for maintaining developed area, stormwater cleaning, treatment system maintenance, etc... An operations and maintenance plan currently exists and must be followed. There is controlled discharge from the basin.

Regarding the CR, Meister, along with Town Counsel have been reviewing. They just received plan associated with CR and will be looking at that. Meister believes that the hearing should not be closed until final restoration report has been received and the CR has been signed by all parties.

In the meantime, Commission members are encouraged to go out to the site and view. Additionally, this will allow time for abutters to come forward who may have additional concerns.

John Lee, abutter to the development. He is concerned with the following:

- Though the previous owner of the development is no longer involved in the project, the building permits are in the name of the previous developer. (Dias explained though ownership of development has changed; the name of the company – 635 Old Post Road- has remained the same).
- A number of trees which had been planted for replication purposes have died. He believes they should be replaced.
- This project dates back to 2003. During the ensuing years regulations have changed and it is his belief that old permits and conditions should be reviewed to reflect

current standards. (Dias explained that the Town Engineer has reviewed the project to ensure all practices and conditions are up to date with today's standards.)

Meister explained that prior to the new developer taking over, there was a lot of discussion with legal counsel regarding permitting and it was determined that the permits needed to remain with the same entity, meaning new developer needed to take on the prior developer's company name (though ownership has changed hands). Meister will follow up to make sure this is the case.

Developer has a SWP and NPDES permit, both which need to be refilled.

- Oversight of the project:
- Meister will ask the DPW if they are keeping tabs on the project
- Concern with history of violations at the site. Developer is strongly encouraged that the site is run tightly, so no future missteps
- Meister would like updated contact information and whom he should contact in case of problems
- NPDES Permit – contact Dias if there are problems

Motion to continue hearing to the next Commission meeting to be held August 16th at 8pm. Abutters should be notified in a timely manner of this hearing.
Wasserman, Avery 5-0-0

Meister will ask John Rockwood for a final report on replication. He would also like a signed CR from the developer.

Approval of Minutes of April 26, 2018

- Minor grammatical errors

Motion: to approve minutes as amended
Wasserman, Geller 4-0-1

Approval of Minutes of June 7, 2018

Note Wasserman did not approve minutes as he was not present
Change wording to better reflect what was said
Add per plan to first hearing.

Motion: to approve minutes as amended
Cremer, Avery 3-0-2

Lake Update

The brook running into the lagoon is dry and has been dry for some time. Meister has contacted the consultant and botanist regarding treatment. Earlier today Meister cut a path leading to the beach where the endangered species is located. A barrier will need to be installed prior to the beginning of any treatment. He will be working with a crew from the

DPW in putting in approximately fifty hay bales with a membrane for protection. It is hoped treatment will take place within the next week or two.

Town Master Plan

Arguimbau met with Forsman from the DPW and together they worked on updating the open space maps. Arguimbau reported the Town Master Committee kickoff meeting went well and was well attended. There were a variety of topics noted and folks in attendance were asked to note their biggest concern. Financial Stability of the Town seemed to be of most concern to residents. The Town Master Committee will have a table with information at Square Jam. A more detailed survey will be coming out in the fall.

The Town Master Committee will be presenting a more comprehensive survey (than the open space survey put out this past spring). As information comes in pertaining to open space, it can then be incorporated into the Conservation Recreation Open Space plan.

Open Space Master Plan

Avery is working on the Transportation component of the Recreation Open Space Master Plan. Geller has met with the Town Manager to review building developments in Town.

Meister met with Arguimbau to review land parcels still available for potential Conservation use. Since the last time this list has been reviewed, some of the parcels have been either sold or developed. Arguimbau and Meister concentrated on those parcels which either abutted existing conservation land, had historical significance, or the potential for larger developments. Meister will share this list with Conservation members at the next meeting.

Other Business

Meister updated members on Cedar Swamp. Meister discussed potential options for a structure to be placed at the ditch to help with bringing up the groundwater and noted that Fletcher has done quite a bit of work at no cost to the Town. The cost for a structure would run approximately \$20 to \$25 thousand dollars and if the Commission needed to seek funds from the Finance Committee, then it would be worth it.

August 16th meeting: discuss the Open Space plan and begin to compile report. Avery will bring her laptop.

Meetings for September should return to the first and third weeks. For the second meeting, September 20th, the Rec Advisory Committee should be invited to come in.

Motion to adjourn Cremer

Cremer, Geller 5-0-0