

Conservation Commission Meeting Minutes, July 11, 2013

Conservation Commission Meeting  
Sharon Community Center  
Thursday, July 11, 2013  
**As amended and voted per 9/12/13 meeting**

Peg Arguimbau, Chairwoman, Hank Langstroth, Elizabeth McGrath, Stephen Cremer were the members present. Conservation Commission Members Linda Orel, Christine Turnbull and Keevin Geller were absent from the meeting. The Conservation Administrator, Greg Meister, was also present.

**7:45 p.m. 11 Deerfield Road.**

The meeting was opened and continued to a later date when applicant has more information. Motion to continue: Stephen Cremer moved, Hank Langstroth seconded. Motion passed 4-0-0

Cliff Towner from Lake Management Committee was present to discuss recent developments at the lake. He explained to the committee that fanwort had been found in the lake. Lake Management has hired a consultant to look at the Lake. Mr. Towner would like efforts at understanding the issues facing the lake to be a joint venture between the Lake Management Committee and the Conservation Commission. They are not looking for any monetary assistance, only support. The Lake Management Committee will be asking the Finance Committee (fincom) for money to pay for the consultant.

Fanwort has been found at Hortons Cove – it is all over the place. Fanwort was found on Saturday, July 6<sup>th</sup>. Mr. Towner showed pictures of algae found on a boat entering the lake. He also showed pictures of two trailers parked at the boat ramp showing an abundance of weeds all over each of the trailers. Mr. Towner noted that after 6pm anyone has access to the lake and many people take advantage of this since there is no supervision at that time and no one is checking boats or trailers which he perceives as problematic. In the past Mr. Towner noted that the boat dock area was staffed until approximately 8pm.

Mr. Towner stated that last year there were no problems with fanwort. According to Mr. Towner, it looks like an aquarium plant might be part of the problem. Last year a snake was found in the lake and he feels that perhaps someone might have dumped the contents of their aquarium into the lake. Fanwort has been found at both Camp Everwood and Camp Gannet.

The Lake Management Committee is looking to use Lycott Environmental. The Town used them the last time to help with problems associated at the lake. As mentioned, the Lake Management Committee will be asking the fincom for money to help fund the lake study as they have very little money left in their budget. The bulk of this years' Lake Management funds were expended on Lake passes for members so that they could have

access to the lake. Often times the Lake Management Committee enters the lake after the gate guards come on duty. When town administration was approached for assistance in accessing the lake area, they were informed that passes would be needed for entry and that the passes would need to be purchased. Lake Management will be meeting next Tuesday to discuss and vote on expenditure of funds for the survey. They have received a quote of \$1400 for the survey. It would be nice if Greg could go with Mr. Towner to the fincom meeting. It is a bit late in the year to be doing this, the earlier the better, usually in June when plants begin to grow. Can however get the new stuff coming in.

The board decided that Greg would go to the meetings with Mr. Towner and he will keep the Conservation Commission informed.

It is the opinion of Mr. Towner that cleanup of the lake will cost a lot of money, more than the last time the lake had to be cleaned.

**8:00 pm Vote May 16<sup>th</sup> meeting minutes.**

Motion to accept minutes as presented. Hank Langstroth, Betsy McGrath.

Motion passes 4-0-0

**8:00 p.m. Request for determination of applicability – Sharon DPW installation of required handicap parking spaces at Sharon Veterans Memorial Park**

Peter O’Cain, Town Engineer, presented on behalf of DPW. Handicap upgrade at Sharon Memorial Beach. Have been grading up to the beach building. Cut out spaces on west side of beach. Existing handicap spaces do not meet requirements per the ADA. Accessible handicap entrance is located down the beach. DPW is proposing to add 3 spaces with one space specifically designated for van access. Proposed paving will cover 1264 sq. feet. and has been minimized to the extent needed.

Proposed spaces will connect to existing paved area at the beach. The existing slope will be maintained. It slopes away from the guardrail and the lake. A puddle forms at back of lot so nothing much will change. Water will drain at same place currently drains. DPW feels that plan will have minimal impact.

Arguimbau: 4 handicap spaces taken out, replaced with 3, which will go in perpendicular direction.

Meister: at puddle, can put in some pea stones or crushed stone? Not a large area, but DPW will put in crushed stone if preferred.

McGrath asked question regarding the west side paving area. It is currently paved, and handicap accessible. It has been restriped with signage areas. Did not have to pave that side as it was already paved. DPW delineated those spaces better. At this time, the West side is not being changed as it has already been updated. Only east side will be worked on at this time, although at a later date, additional work may be performed around the beach

area. On the east side, all hatchings will be painted striping. This will help people to know where to park and where the access is. There was a question about enough room for larger vehicles to swing into spaces. O'Cain stated that it should not be a problem, he has an escalate and was able to swing around. With respect to van space, although they are used, they are not typically used as much as regular car spaces.

Betsy inquired if 2 spaces are adequate? According to O'Cain, there are currently 47 parking spaces on that side of the lot. Per ADA requirements therefore, 2 handicap spaces are required. If it is found that it is not adequate, then additional spaces can be added at a later date, but must realize that this would take away regular spaces and want to be fair to all.

It was decided that if crushed stone could be placed in the settling area, perhaps over the puddle area, and included as part of the submission, then can do a Negative Determination as part of the plan. A motion to issue Negative determination with condition of peastone placed at puddled are was made by Cremer and seconded by McGrath. Motion passes 4-0-0.

**8:10 June 20<sup>th</sup> meeting minutes reviewed.**

Correct spelling of Arguimbau name, located after 7:45. Also, after mention that Arguimbau recused herself, need to add that she also came back into the meeting.

**Update on Scout Project on Massapoag trail:** The Scout project should be starting anytime. Jimmy Townsend met with Dan Arguimbau, the property owner, and everything seems to be OK. Jimmy is still looking for financial support.

Motion to accept minutes as amended. Hank Langstroth, Stephen Cremer.  
Motion passes 4-0-0

The RDA for handicap parking spaces at Memorial Beach was passed around for signatures. Follow up on Lake Discussion. Official motion to support lake management to fincom. Cremer, McGrath. Motion passes 4-0-0. Meister would like to ask... we should be concerned about chemicals being put in the lake. Would like for Towner to come back to give more info. Put Towner on next meeting in August.

**8:15 p.m. Continuation of hearing associated with Mountain Street Paving Project proposed by the Sharon DPW. DEP file #SE-280-0536**

Hopefully all attendees have signed sign in sheet so as on record as attending.

Arguimbau opened the meeting for Mountain Street Paving. This is the first presentation regarding where Town is with the project. Arguimbau set out rules for this portion of the meeting. Presentation will be made with the Conservation Commission asking questions first. When ConCom finished with their questions, then meeting will open to abutters and others to ask questions. John Rhodes of Professional Services Corp. is representing the Sharon DPW relative to paving a portion of Mountain Street. The filing was

originally made in March/April 2012. At that time the project involved paving the entire length of Mountain Street. The project was to begin from area close to Sharon center, all the way out to Mountain Street Extension. The Commonwealth of Massachusetts State Parks owns all property on western side of Mountain Street. As a result of that filing, a notification to National Heritage & Endangered Species Program, which is part of the Massachusetts Division of Fisheries was made. This filing was made to Natural Heritage as certain areas along Mountain Street had been delineated as high priority habitat for species. National Heritage was very careful about pinpointing and protecting the species it wishes to protect. Notification was therefore given. National Heritage then asked for the Town to produce a study on the area. Oxbow and Associates conducted this study between August and September 2012. From that time until January/February of this year on-going discussions have been held between Heritage and the DPW. Heritage's concerns are with habitat issues. With the discussions between Heritage and the DPW, and in reviewing the Mountain Street paving project, the Town decided to considerably reduce the size and scope of the project. The length of Mountain Street to be paved was reduced from 3,680 feet to approximately 800 feet. (From about Mountain Street extension to the last driveway.)The remaining part of Mountain Street will remain gravel.

Originally the Mountain Street paving project consisted of 66,000 square feet of pavement. Under the current project 14,000 thousand square feet will be paved. Heritage has reviewed the project and has issued a letter to the Conservation Commission. Heritage has reviewed under both MESA as well as under the Wetland Protection Act. Heritage has reviewed under the Wetland and Sharon Conservation Regulations.

Wetland protection and ConCom regulations of Town of Sharon apply to the project. Heritage believes that the scaled back project would not result in a "take" from habitat of the different species currently in the area and they feel the species will not be impacted by the project as it now stands. Heritage has issued a statement that the project would not have an impact under the Wetland Protection Act. Upon receipt of this letter, the ConCom was asked to re-open the Mountain Street Paving project. It was noted that under the Wetland Protection Act, the Conservation Commission could not act until Heritage came back with its report.

Heritage Foundation File Number: 08-25928

Rhodes explained that binder course will be used to pave the road.

Proposed 18 foot wide pavement with two and ½ inches of binder course only to be used. There is plenty of gravel currently on the road and this can be reused. No massive excavation will be required.

In sections provided on sheet 3, road as exists today is super elevated, pitches one way, from east to west. To have the least impact the road will continue with an east to west pitch. Goes into existing swale. Proposing to keep same grade of road, not cutting and filling.

Important that National Heritage is aware, and understands that we are taking advantage of materials which are already there. There will be no tree cutting; no areas will be paved which are not currently paved. This project is a fairly simple construction project.

The activity for this project is taking place around small bordering vegetated wetland pockets along the road. A great deal of this project falls within in the domain and jurisdiction of the ConCom.

A swale exists throughout the whole project, almost to the foot of hill where it begins to peter out and enters the state forest.

Inside the existing swale, check dams will be constructed. There will be approximately 38 check dams. Due to the steepness of the road, it is felt that the 38 check dams will slow the water down; provide for cleansing; and provide for the opportunity of infiltration and aeration.

Because the existing berm is on that side, will have to cut through in several locations so that runoff water can get into swale. Taking down the berm was looked into, however, since the road is only 18 feet wide, it was considered a safety issue.

Heritage is interested in having signs posted at the beginning of the road, reading: "rough road, pass at own risk. Heritage prefers that signs remain and are maintained by the Town. The sign below will be relocated, and two additional signs stating: "20mph" will be put up.

**Questions asked by the ConCom:**

Mr. Cremer: In addition to the road work being performed, will any work be done on the side to allow for walking?

According to Peter O'Cain, Town Engineer, a good portion of the road is currently between 26 and 32 feet wide and is gravel. If 18 feet of the road is paved, then a significant amount of roadway will remain gravel and allow for a place to walk. This will be a safer situation if anything, as cars will now be on the paved area folks can walk on gravel.

Arguimbau: With respect to check dams, they will peter out and go onto the state land. Check dams will allow everything to slow down enough so not coming in at an accelerated speed as enters on to state property. By the time runoff gets to the wetland, it will have passed through a lot of vegetation. Road tends to level out, velocity comes down, but check dams will control velocity. Specific point exits at where existing swale currently ends. At end, was just going to end and let go onto state property.

Greg: Let swale end and go onto state property. Any apron will not be necessary with so many check dams. Leave this part open for further discussion at a later meeting.

Langstroth: How much additional runoff will there be? According to Rhodes, the rate is balanced due to the check dams. Drainage calculations have been performed as well as a habitat assessment.

Arguimbau: Has Notice been sent to the State? Yes, State has been notified. The State has returned all cards. Oxbow Associates also sent out notices, which were dropped in abutter's mailboxes.

With respect to construction equipment, how will access area? Through Bay Road? According to O'Cain, this is really not an issue as construction should only consist, at most, of 2-3 days work. The DPW has subcontractors who do this type of work all the time.

McGrath: In the long-term, what will be needed to maintain roadway? According to Eric Hooper, DPW Superintendent, approximately 10 years ago the other end of Mountain Street was paved and since that time, very little has been done with respect to street maintenance. The binder holds up very well. With a paved service, roadway will no longer be widened each time the road is graded. Also, when plowing the paved roadway, gravel will no longer be spread out towards the wetlands.

Kyla Bennet: What is the difference in impact between this project and prior project? In square footage? According to Rhodes, the project has been reduced by 78% and is very substantial. How many wetlands farther north? Additional wetlands up north on Mountain Street. Substantial wetland up on west side, but do not know square footage. 2<sup>nd</sup> question: Would it be possible before proceeding with work to speak with Heritage as to when the least amount of impact to endangered turtles would be? Also, with 38 check dams to be built it is important that no animals get trapped. There will be no harm to turtles or any other species. 3<sup>rd</sup> and most contentious question: Over the years the gravel road has spread to approximately 26 to 30 feet. This is a continuing violation by the Town. Do not believe penalties should be assessed, but Concom should consider mitigation on upper portion, because there has been substantial impact to the turtles getting to the vernal pools. This should be looked at and maybe addressed in the Heritage report.

Eric Hooper: please correct statement made by Kyla Bennet. Natural Heritage did not find any impediments of any kind due to the gravel on Mountain Street and the migration of turtles was and has never been impeded.

Abutter, Rita Corey: Has anyone at Borderland been notified of meetings? Yes, but they chose not to attend. Also, at 580 Mountain Street, the road is very narrow. Where the swale begins, there is a huge rock. What is going to be done? So much water lands on paved portion of the road, which belongs to Borderland State Park. Where will all the water go? Mr. Rhodes: The difference between a highly compacted road and a road with binder course, the gravel is minor, not substantial. Check dams will control the velocity in swales and will promote infiltration and aeration

Dam made of stone, at bottom of swale. About 2 feet across top at height of 6 inches, then slope down. The bottom of the swale is trapezoidal. This is effective in controlling velocity promoting recharge.

Abutter, Richard Mandell,: existing berm, will be cut into so water can flow. Presently lots of erosion occurs. Are you proposing to change the surface or material? It is likely that berm will continue to erode and fill in sediment.

Rhodes: There will be openings cut into the berm. These cuts will occur approximately every 150 feet.

Abutter, Richard Mandell: On a larger scale issue. The original filing was larger. What if someone were to come back with a proposal to continue paving? What happens with this commission, would there be a whole new hearing, Arguimbau, yes, there would be a new filing.

Arguimbau, it would be helpful if we could get profile of soil elevation for length of project and maybe a little bit above. What kind of lining will be used? Rock lining. Putting rocks into a flat and v shape using existing swale, using topography, but will have to be shaped and reworked. Would like a profile plan. Of what the project will look like; where cuts in berms will be made; where the dams are going to be; where is the break in topography going to be. Begin with the breaks and follow all the way to the end. If that much issue at end, may need to do something different at end so that what goes into state land is minimal as possible.

Within layout of project, not much room to work.....typically have land to work with. O'Cain states the current situation has dirt road, water flowing unimpeded. What DPW will be doing is putting dams in to guide water to each of the dams. This will slow water and take out sediment.

It was suggested that before the Town incurs further survey work, that Meister and O'Cain survey the area and that Meister should detail for the contractor, where the cuts would be and where the water is flowing out.

Abutter, Richard Grey, mentioned that he felt there was a procedural problem with the project.

Abutter Richard Mandell was concerned about elevation and final grade of finished road. Currently, during heavy rains, gravel is deposited onto his driveway. road.

DPW will work with homeowners whose driveways may be lower than the street. Mention of putting in a small bubble at top of driveway

Abutter, Judy Bookbinder inquired as to how much this project will cost the Town? According to O'Cain, originally \$150 to \$160K. With reduction of project, cost should be approx. \$45K. Funds were voted at prior town meeting.

Time frame of project? Order of Conditions must first be issued, then project will be put out to bid. About one month away from putting out to bid.

A site visit by Meister, Rhodes and O'Cain will be set up prior to next meeting of August 1<sup>st</sup>.

Move to continue to August 1<sup>st</sup> at 8pm. Langstroth, McGrath.

Motion passes. 4-0-0

**8:30 p.m. Notice of Intent – Salvation Army/Camp Wonderland.  
Proposed mitigation and improvement to the camps beachfront.**

Salvation Army has been rescheduled to August 1<sup>st</sup> meeting. Motion made to continue: McGrath, Cremer. Motion passes 4-0-0

Vouchers were passed around for signatures.

Executive meeting minutes will be done at a future meeting.

Agenda Items for August 1<sup>st</sup> meeting:

- \*11 Deerfield Road
- \*Mountain Street Paving
- \*Salvation Army
- \*Cliff Tower, Lake Management

**Lake and Docks**

Currently no set procedures for installing docks in the Lake. Although Selectman are the Harbor Masters of the Lake, no one comes before the ConCom for permission. National Heritage is also not notified. Meister would like to set up procedures which would be fair to homeowners and would satisfy the needs of the ConCom. Discussion of the docks will be put on an agenda in the fall.

Also discussion of Lake in general. Need to better educate the public of this natural resource. How invasive species carried on boats and trailers, and installation of docks, and work on and around the lake, not only affect the lake, but the potential cost to the town if issues arise.

Motion to adjourn. Langstroth, McGrath. 4-0-0

Meeting adjourned 9.30pm