

Conservation Commission Meeting
Sharon Community Center
September 12, 2013

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

**7.45 p.m.: Abbreviated Notice of Resource Area Delineation
Birchill Trust, 1505 Bay Road**

John Keegan, Cite Tech Engineer. He filed an Abbreviated Notice of Resource Area Delineation (ANRAD) as well as performed a site visit. Keegan walked the property with the Conservation Agent, Greg Meister. They double checked marked delineations. Cite Tech is getting ready to revise their plan and resubmit to the Commission within the next couple of weeks. Presently, the Commission is looking at the first set of plans. Abutter, Mitch Friedman, asked how many homes will be built. Keegan answered that at this point they are just trying to determine the wetland line. Abutter then asked "Where would access to development be?" Keegan explained that access will be determined by where the wetlands are located. According to abutter, prior builder of property in that area granted a strip of land on Dry Pond Road to the Town. Friedman then asked if an easement would be granted for access to cross over the land? According to Keegan, there is an easement which belongs to the Town, but it is not wide enough for a road and he is not sure if there is an intention for a road to be located at that point.

Motion to continue meeting to September 26 at 7.45 p.m.
Cremer, Langstroth 5-0-0.

8:00 p.m. 11 Deerfield Road

Two enforcement orders were sent out for this property, one to the homeowner and one to the contractor. They need to respond by September 19th.

General Business

Approval of the July 11th meeting minutes.

On page 5 of July 11th minutes - change from they to **water** will peter out...

Correct spelling **Arguimbau name** in several places.

Last page, Capitalize **Bookbinder**

McGrath proposes use of last names in the minutes, without Ms., Mr.

On first page, reference to snake is a **snakehead fish** found in the lake. Change spelling of Steven to **Stephen**.

Motion to accept July 11th minutes as amended:

Lankstoth, Cremer: 4-1-1

Approval of the August 1st meeting minutes

move **Langstroth** from present to absent.

Page 2, Above Dep file number.... **What was able to cross out what was able to come up with** , to: change in the scope of plan

Page 3, at top put “e” on fence

Motion to accept amended minutes of August 1st : McGrath, Orel 3-0-2

8.15 p.m. Enforcement Order

Edward & Susan Gooltz, 24 Longmeadow Ave

Regarding property located at the bottom of Community Center Drive

Assessor's Map # 52, Parcel 3-2

12 cement concrete footings were put in without permission of Conservation Commission. Gooltz's were told before work could be continued on the property, they would need to meet with Commission to determine what filings would be needed. Gooltz's ignored. They then put in a deck, still without permission, at which time an enforcement order was issued by the Commission.

Mr. Gooltz stated that it is his goal to maintain a small rustic piece of lakefront area. The land is not level, there is runoff from Capen Hill and there is poison ivy. He and his wife are in front of the Commission to try to make things right. He has presented a plan to the Commission describing what he has done to the property to date: cement footings, deck, spraying for poison ivy, clean out debris, removal of bush, replace minimal soil, plantings of azaleas, a small tree and hydrangeas.

Gooltz stated that he is not knowledgeable on filling out the required forms. He has filled out form 4 – abbreviated NOI, but did not send in as he is not sure if it is correct. He also filled out Form 8, for small and insignificant projects and is not sure if this form was permissible. According to Arguimbau, at the very least, application for determinability might have been filled out by applicant to determine if nature of project would need a more formal filing. If that form had been filled out and submitted the applicant would have been told that an NOI, more specifically, an Abbreviated NOI would be required as the project was within the jurisdiction of the Commission, and definitely within the area of resource under the jurisdiction of the Commission. It is unfortunate that it has gotten to this point, as Gooltz's must still file and go through the hearing process. Arguimbau was hoping that the sooner the forms had been filled out and filed, the sooner the Commission could begin the hearing process. Gooltz inquired as to what are the steps associated with the filing? According to Arguimbau, applicant must fill out form for which there is directions to assist with filling out the form. Once form has been completed, they must be submitted to the office, as well as sent certified mail to the DEP. Once DEP receives, DEP will assign a number for the project. This number should then be posted at the site so that people know that the work being performed is being reviewed by the DEP. At this point the hearing process begins with abutters being notified. A meeting is then scheduled at which hearing applicant discusses what they plan on doing and what the impacts to the area are going to be. This is all part of the process which did not happen since you have already done the work.

Gooltz, regarding the form, he is still confused - who sends the form to the state? Arguimbau explains that there is a fee associated with the filing. You do not have file number at this point, it will be sent upon review of application. Receiving a number does not mean that you are able to do the project, it is just that a filing has occurred. The State will look at the application and then send out a number. As soon as the Commission receives completed file, a hearing can be scheduled, a number is not needed for a hearing, however, in order to close the hearing, the DEP file number is needed. Usually with NOI it is timely. There is a whole process which was circumvented. No work to be done until hearing process is done. Enforcement Order will stay in affect until the hearing process has been completed.

Question: Cremer: What is the size of the deck? Applicant responded that the deck size was 16 by 16.

Arguimbau - Do you understand process? Gooltz - Yes, but wondering if there are any town resources available if any questions he might have with filling out form. He is still confused as to how to fill out form and associated fees with the filing. Arguimbau - There is a place where you describe project. Gooltz - I guess when I calculate the fee for the project, since there are different things, I just shoot for what I think they feel is correct. Arguimbau stated that the State will let the applicant know if they feel the fee is incorrect. Also, since the work has already been done, when submitting application, the wording on the form should include that the project is under an Enforcement Order and that the work has already been done. Process should take approximately 2 – 3 weeks. If paperwork is submitted in a timely manner, then this project can be on the agenda the first week of October. Once Commission receives the filing, a hearing notice must be submitted to the Advocate 5 business days prior to hearing.

8.30 p.m. Notice of Intent - DKW Builders

**Proposed work and grading associated with a single family home.
66 Morse Street**

Applicant failed to show. Move to continue hearing to next meeting date of Sept 26th at 8p.m. Abutters will not get another notice of meeting. In meantime, if any questions folks can phone office and speak with the agent or the clerk. There are two copies of what the builder is proposing to do. Anyone wishing to take a look at the plans may phone the office to set up a time to review. By all means abutters should come to the next meeting and air any concerns which they may have. Concerns will be entered into the meeting minutes.

Vegetation report from Lycott Group

Cliff Towner, Meister and Arguimbau went to fin com meeting to request funds for the clean up of the lake. Meister explained that there was no fanwort in the lake last year. The estimated cost of clean up is between \$25 to 30K. Asian clams have been introduced into the lake as well as fanwort. There is no question the clams came into the lake from

small fishing boats. These boats go from one body of water to another. At this point in time, things must change otherwise the Town will not have a usable lake. Asian clams, when they die, become like razor blades. At this time they are confined to the boat launch area. The clams are almost microscopic when they are young. Because introduced at boat launch, they are confined to that area due to the sand being blocked up again at the flume house. If the sand is removed and put on shore, the clams will die as the sand dries out. This way we may be able to get a handle on the Asian Clam situation. Right now there are small white shells around the boat launch which can be seen.

Another issue is the yacht club. Many people come from out of state when events are held and launch their boats from the yacht club.

The State of Maine as well as the Quabbin Reservoir has invested what is necessary to protect their resource(s), someone watching/monitoring the boat ramps to make sure boats and trailers are clean as they enter the water. State law makes it illegal to bring boats and trailers into a lake if there are weeds on them. Often times they have someone checking the boats before they enter the water. There will be changes next year. The Commission needs to help to promote and educate the public on invasive species and how they enter the lake.

If Fanwort gets going, it uses up oxygen. If Mussels and Asian clams are allowed into the lake, they will make the lake recreationally unusable. The Town has a choice - to do what needs to be done, ie clean up the lake, educate the public, monitor boats entering and work with educating folks at the yacht club and camps, or do nothing, which will result in the lake becoming unusable as a natural Town resource. Meister informed the Commission that some additional personnel at the boat launch early in the season (next year) would be very helpful. It would not cost that much money, but politically might be some pressure.

Orel mentioned that it would seem that public relations would be needed. Signs posted, educating the public, etc..., In an email Orel had sent out she mentioned that Community Preservation funds could be used to pay for the clean up. It is an appropriate use. What other protective measures could be taken? Cremer: Would tightening up on how boat tags are issued be helpful? Could coordinate this with the Recreation Director. It would be the Town's responsibility with respect to boat tags. There are no other agencies to help with this. DPW will help with sand removal. Orel: Could lifeguards be trained to check boats before they go in? Meister: Currently there are gate guards (kids) at boat launch over the summer that had minimal training. About midway through summer an adult volunteer helped out which worked out well. Kids are provided with walkie talkies in case assistance is needed.. Lifeguards should not have the responsibility of checking boats, it is the gate guards responsibility, but they must also check beach tags, so does this make sense? McGrath, would it make sense that prior to heading down to the boat launch area, that boat owners are required to rinse their boats and trailers off? Rinse would not help. It is a temperature thing. There are lakes and ponds in the State where people/towns are protecting what they have. For minimal money a portable rinse unit with heated water could be purchased which would kill/ blow off the clams on the boats

and trailers prior to entering the boat launch area. This should be done away from the lake though.

Orel: If you live in Sharon is there a special boat permit? Meister: Yes, need to register boat. Cost is \$65 – Orel: the recreation department should be involved. Meister: They already are.

Signs are needed for posting, People may not realize they should clean off trailers and boats prior to launching. According to Meister there is currently a rather large sign at the boat launch stating boats and trailers should be clean of weeds. If not they are subject to a \$5000 fine.

Cremer – other vehicles brought in such as paddle boards, etc.....Do they pose a problem?

According to Meister lakefront owners allow friends to launch boats at their property. At some point, what are you doing? Do you want to have a lake? Or do you want to lose it?

Orel – An article should be put in the Advocate informing folks about the fanwort and clams and the cost to the Town to clean it up. Reason, carelessness. Fines should be established. Meister: anyone who wishes to help out on the issues surrounding the lake would be supported by the Commission.

The cost to clean up the lake did not include removal of clams. This is the third time the lake has to be cleaned up due to the spread of fanwort, clams, etc.... To date the Town has spent approximately \$100K on lake clean up. For short money, protective measures could be put in place to help prevent this from occurring. Last year there was nothing at the cove. This year it is overrun with fanwort, can't see the bottom. Fanwort can grow by fragmentation, especially with boats coming in from all over. In order to assist and educate residents about this problem, there should be communication, not only with the towns residents, but with camps, the Salvation Army and definitely the yacht club. They were given a sign, and hopefully they can do some education on their part. Hopefully they will have someone on their side checking boats entering the Lake.

For one of the November meetings should request the head of Camp Everwood, Salvation Army, Lake Management Committee members, Recreation Director and Ben Puritz to come together and discuss what should be done. Stakeholders should and need to be at the table. Also, there should be an educational component so that residents become aware that by not protecting the lake, the impact could be as such that the Town will no longer have recreational use of the Lake.

Cremer: There is evidence that sometimes in the past, people have dumped aquarium residue into lake that was biologically active. Residents should be aware that this small

lake is not down stream from water stream. That the only way things get into the lake is via humans.

Orel: If article should be written for the paper, should she do on her own or on behalf of the Commission. Meister: whichever she prefers. November meeting would be good to further discuss. Eagle scouts are always looking for projects, although this would be a hefty project. A cable show on the lake may also be helpful.

Budget time is coming up. Now is the time to discuss cleanup of the lake. Meister and Towner went to fincom and they will do a reserve fund transfer to assist in paying for the cleanup. The transfer will cover the cost of cleanup. Technically, not voted, but they are supportive in providing funds necessary to cleaning up the lake. For taking care of the clams, a larger excavator than what DPW has may be needed to dredge out the sand.

Question on how deep do clams go was asked. Meister: Surface clams. If zebra mussels, the lake is gone.

Memo received from the Selectman's office re: 250th anniversary of the town. (1765) If Commission would like to do anything, walk, etc... Linda Morse sent out the flyer. Arguimbau will speak with Linda to clarify and will discuss further at a later meeting.

Orel: \$100K I total over the years to clean up lake. First clean up began in 2003. Cleaned up again in 2008. Are studies commissioned every year? After lake is treated (initial cleanup), company will then go out another couple of seasons to check for any potential growth. Lake Management also goes out.

Delays in when lake management got out this summer.

Cremer, in addition to known threats, are there any potential threat? Potential threats should be included in education program. Orel: DEP has material out there but we must decide what it is that we would like to do: Cable show, seminar/forums, etc... A strategy should be developed. We do not want to reinvent the wheel as there is a lot of materials available from the DEP.

Meeting adjourned at 9.02p.m.
Langstroth, Cremer 5-0-0