

Conservation Commission Meeting
Virtual Meeting
February 1, 2024

This open meeting of the Sharon Conservation Commission was conducted remotely consistent with An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, signed into law on June 16th, 2021, and as amended and extended through March of 2025. These provisions allow public bodies to meet remotely if reasonable public access is afforded so the public can follow along with the deliberations of the meeting. For this meeting, the Conservation Commission convened by video/teleconferencing via Zoom, and members of the public were provided with access information so that they could follow the meeting remotely. All votes were conducted via roll call.

The remote meeting was called to order at 7:30 pm by the Chair, Peg Arguimbau.

Roll call was taken of members and staff present and included: Chair, Peg Arguimbau, Vice Chair, Jon Wasserman, Keevin Geller, Stephen Cremer, Susan Drisko and Alan Westman. Staff present: Josh Philibert, Conservation Administrator, and Jana Katz, Conservation Clerk

Members of the public in attendance: Ghazi Saab and Ken Thomson.

7:32 PM	Continued Hearings	NOI 27 Livingston Rd., Barbara Stricker Add., Patio, & Outdoor Shower, DEP#SE280-0655
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Members voted to continue the hearing at the applicant's request.

Motion: to continue the hearing for DEP# SE 280-0655 for NOI filed for project located at 27 Livingston Rd. to the February 15th meeting, at the applicant's request.

Drisko moved

Wasserman seconded

Cremer – Aye, Drisko – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,

Arguimbau – Aye,

6-0-0 Motion Passed

7:33 PM	Discussion/Action Items	Planting Plan to Remedy Encroachment 90 Aspen Road, Ghazi Saab
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Ninety Aspen Road property owner, Ghazi Saab, first appeared before the commission on September 7, 2023. After Philibert contacted Saab after observing unpermitted clearing at 90 Aspen Road in the wetland buffer. Philibert alerted Saab that his actions were considered violations under the Wetlands Protection Act and local bylaws. Saab had performed landscaping in the buffer without professional assistance and was unaware he was violating any law. At the September 7th meeting, Saab agreed to meet the commission's request to revegetate the land. Saab agreed to work with a professional botanist and develop a planting plan.

Professional Botanist Ken Thomson has been working with Saab on developing a mitigation plan and joined him to discuss its status. Thomson shared his screen showing planting plans and aerial photos. Before becoming aware he had done work in violation of the WPA and local

ordinances, Saab had originally planned on planting an orchard on his property once the land was cleared. Thomson identified a 10-foot downward slope in the cleared area.

Much of the unauthorized work removed mature trees. Members agreed the planting plan would need to produce an as equally as dense landscape as what was removed. At the September 7th meeting, the commission had instructed Saab to plant trees with at least 6-8” trunks. Thomson compared prices at local nurseries and estimated meeting those specifications would cost about \$6,000. He appealed to the commission as he unknowingly violated the law. He asked for modified specifications. Saab asked for a reduction in the required number of trees or trunk size. Thomson’s initial plans complied with members’ requests, proposing walnut trees and apple trees with the requested 6-8” trunk size. In his followup presentation, he asked members to consider the high cost that would incur with that plan. Saab asked members to reduce the required minimum trunk size to 3-5”.

The commission denied Saab’s request due to concerns about the likelihood of deer eating foliage on younger trees. Instead, they devised an extended timeline for the planting plan. While they agreed repeated repellent application would likely protect the young trees from deer, they ultimately rejected that idea because the compromise would incur added costs.

Typically, revegetation is monitored for two growing seasons. A minimum 75% survival rating is considered successful requires no further action. With smaller specimens having a lower chance of survival due to grazing deer, members did not amend the trunks’ size requirements. Due to the density of the vegetation that was removed and would need to be recreated, they did not agree to reduce the number of trees in the planning plan.

Instead, the commission instructed Saab to complete the planting in two phases. Half would be assessed at after two years. Half would be planted during the second year and assessed the following year. Philibert will inspect the survival rate for the first half and instruct Saab as to when to begin planting phase two. The delayed timeline would reduce the projects’ immediate costs. It may also benefit Saab by giving him the opportunity to revise his planting plan before beginning the second phase based on what is observed during the first monitoring period.

Motion: to amend the species-specific mitigation planting plan drafted for 90 Aspen Road by Ken Thomson, to encompass a staggered two-year planting plan and include a third year for monitoring the 75% survival rate threshold.

Cremer moved

Drisko seconded

Cremer – Aye, Drisko – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,
Arguimbau – Aye

6-0-0

7:55 PM Discussion/Action Items

RCOC DEP # SE 280-0501

South Main Street/ Old Post Road

Members voted to issue a Partial Certificate of Compliance to William Callahan of 145 Old Post Road for DEP# SE 280-0501. The project was never started.

Motion: to issue a Partial Certificate of Compliance for DEP# SE 280-0501 as the project was never started.

Wasserman moved

Drisko seconded

Cremer – Aye, Drisko – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,

Arguimbau – Aye

6-0-0

7:58 PM	Discussion/Action Items	269 S. Walpole Street Permit DEP# SE 280-0614 Transference
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Members discussed the Order of Conditions for DEP# SE 280-0614. It was extended in 2023. A prospective buyer of the property located at 269 S. Walpole St. contacted the Conservation Department to ask if the order would apply if they purchased the land. As boiler plate conditions remain valid as long as they have not expired, new ownership would not affect order.

8:02 PM	Discussion/Action Items	Lake Update
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Philibert reported that 15 ¾ inches of rain fell in Worcester in December and January, setting a record high. The lake is still at a high level but it is coming down. The water temperature will remain at 39 degrees throughout the winter.

8:05 PM	Discussion/Action Items	Conservation Administrator Update
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In 2023, the Trustees of Reservation received a Negative Determination of Applicability for a project at 27 Everett Street utilizing horizontal directional drilling. They recently contacted the office to report complications with drilling after multiple attempts.

Intoccia Construction will be filing a Land Disturbance Permit Application for work on two ANR lots on Norwood St. Combined, the projects cover more than one acre. It is located in the R1 district which mandates 50% natural cover. Philibert will monitor the site. The access is through the Audubon Preserve development but not considered part of the subdivision. He expressed concerns about the lack of sediment and erosion control on site currently and has been in contact with Attorney Bob Shelmerdine about the matter.

Westman and Philibert discussed the status of the project located at 350 Mountain Street. The building inspector, David Abbot, recently issued a \$1,000 fine to Deymitry Deych. Philibert has not signed off on the building permit yet. The applicant was instructed to construct a retaining wall and driveway before performing work at the rear of the lot according to special conditions in the Order of Conditions issued for DEP# SE 280-0656 issued in January of 2024.

Arguimbau informed members that rocks placed by the town crew at the entrance of Rattle Snake Hill will prevent access to illegally dump on the property. Further from the entrance, a fallen tree was moved to the side.

8:15 PM	Other Business	Approve Minutes for January 18, 2024
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The language of the motion and vote was incorrect for the first hearing at 7:30, a continued hearing for the NOI for DEP# SE280-0655 for 27 Livingston Road. Members voted to approve minutes as amended for language, replacing the motion and vote with the following corrected language:

Motion: *to continue the hearing for DEP# SE 280-0655 for NOI filed for project located at 27 Livingston Rd. to the February 1st meeting, at the applicant's request.*

Drisko moved

Cremer seconded

Drisko – Aye, Cremer – Aye, Geller – Aye, Arguimbau – Aye

4-0-0 Motion Passed

<p>Motion: to approve the meeting minutes for January 18, 2024d as amended to reflect corrected motion and vote for the 7:30 Continued Hearing for NOI for DEP# SE280-0655 for 27 Livingston Road.</p>

Geller moved

Drisko seconded

Cremer – Aye, Drisko – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,

Arguimbau – Aye,

6-0-0 Motion Passed

8:17 PM	Other Business	MBTA Communities Zoning Requirements
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Arguimbau informed members there will be a Planning Board meeting held on Tuesday, February 13th to discuss new state-mandated residential zoning requirements regarding multi-unit housing in communities with MBTA access found in: M.G.L. § 40A, Section 3A.

8:18 PM	Other Business	Adjourn
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<p>Motion: to adjourn.</p>

Cremer moved

Drisko seconded

Cremer – Aye, Drisko – Aye, Geller – Aye, Wasserman – Aye, Westman – Aye,

Arguimbau – Aye

6-0-0 Motion Passed