

Conservation Commission Meeting  
Sharon Community Center  
September 22, 2016 - DRAFT

Peg Arguimbau, Chair, Linda Orel, Alan Westman, and Stephen Cremer and Jon Wasserman, were the members present. Keevin Geller and Meredith Avery 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 – Update Cranberry Bogs, Fred Bottomley**

Bottomley thanked Commission members for allowing him to come in and discuss the bogs. Bottomley provided a running commentary and update on what has been happening at the bogs.

- **Drought** – Bottomley has been speaking with David Hartley who is a Biologist with the Division of Fish and Games. There are 3 ponds located on the property, each controlled by their own flume house. Pond #1 is a shallow pond, approximately 3 and ½ feet deep. As the season progressed, a decision needed to be made whether or not to irrigate bog # 1. After consultations with Hartley and some folks at the federal level, it was decided to not irrigate bog#1, but to continue with renovations of the pond . It is the hope that pond #1 will eventually be a viable resource for fisheries.
- A decision was also made to not drain ponds #2 and #3.
- Bottomley is before the board to request of the Commission that he be allowed to cut all of the trees along the bog access road (from the pump house to the back of the property) so that a crane can move along the side of the bogs and reach areas currently inaccessible. At this point, the crane has reached its limit and dredged as much as it could. Ideally though, Bottomley would like to create an 8 to 10 foot water source (as was done in the back part of the property), to create a viable water source. It is Bottomley's belief that there are springs.
- Though he believes he would be able to cut the trees under the farm plan, he wanted to respect and work with the Commission on this. The current owner of the property has agreed (on his end) to allow the tree cutting. He has invited Commission members to go down to the bogs and take a look so that they can see what it is that he is proposing.
- The Farm plan went into effect in 2007. The plans were drawn up by USDA and the Federal government. The farm plan allows the farmer to have almost unlimited exemptions, without the need for Conservation Commission approval. Most farmers who use the farm plan do so prudently and work together with Conservation Commissions.

Meister asked if there was enough room to get the crane through without having to cut down trees. Bottomley responded that there were perhaps 40 to 50 feet of trees which needed to be removed to give the crane room to work. Bottomley explained that the removal of trees would allow for maintenance and improvements to the cranberry production of the bogs. At present it is possible to get water, but there is a very strong possibility that a fish kill would occur. Although 20 feet would be better than 10 feet, there is an impervious layer which at present, the crane cannot get through. The cutting of the trees would allow the crane to maneuver and dredge down further.

- There is fishing in the back ponds, with some rather large bass. Eventually, Bottomley hopes that the Town would bring back fishing derbies along with providing an educational component about the bogs.
- The current principal owner of the property is David Spiegel through 95 Cranberry LLC
- This property is to be deeded over to the Town, and under the management of the Conservation Commission. Current developer is working under the assumption that there have been no changes to the original agreement. Currently there is \$250,000 put into an escrow account by original developer which will be conveyed to the Town upon issuance of the first building permit.

Orel would like, at some point, to look at the agreement between the owner and the Town to determine what is in the agreement and what the Commission can or cannot do (ie: cutting down trees). Does the property need to remain a cranberry bog or just be wetlands? It is believed that property can revert to wetlands.

Orel is concerned with the removal of trees; does the Commission of the authority to allow the cutting of trees?, do the trees play a part in keeping the bogs clean?. Orel would like some answers to those questions before proceeding with cutting down any trees.

Bottomly agrees that the Commission should review the agreement. It is his belief that under the farm plan, permission is not needed to cut down the trees, but he would like to work with the Commissions input on this.

The second issue Bottomly is concerned with is the partial completion of the developments surrounding the bogs; the assisted living facility, a half built road, and retaining wall for the roadway. These projects cannot move forward until the walls around the bogs are completed. Additionally, some of the disturbed areas of the bogs cannot be cleaned up until the wall is built.

According to Bottomly, the current owner of the property, Spiegel, is in support of all the activities with regards to restoration of the cranberry bogs.

With regards to harvesting the cranberries this year, he is expecting a harvest from the back ponds, but not so much the front. No chemicals have been used. At this point there is not water for irrigation. The lack of water could be of concern next year.

Bottomly thanked the Commission and once again informed Commission members that he is available to provide site visits for anyone wishing to see what trees he is proposing to cut down.

**8:00 PM – Notice of Intent (NOI) Eversource, 63 Canton Street, Switching Station**

Denise Barton and Doug Vigneau representing Eversource.

A planting plan was distributed to members. This plan was emailed earlier in the week to Meister. A brief overview of the plantings was given. Overall, an additional 39 plants were added to the planting plan. An elevation plan is not included on the planting plan, though a grading plan is incorporated into the stormwater plan.

Bartone explained:

- That all of the trees by the roadway are coming down.
- That there will be a two year maintenance plan for all new plantings
- Plantings will be incorporated into existing vegetated management plan
- After two years, the facility will be responsible for maintenance of the plantings

Meister asked why the development was pushed back. When this project was first proposed, it was closer to the roadway.

Bartone explained that there were discussions with the Town and intervener groups. Intervener groups were concerned with the visual impact of the project and asked that the project be pushed back as far as possible. The Fire Department requested the circular driveway so they would be able to turn around. The Board of Selectman signed off on the project. Orel was concerned that the Town was more concerned with Visual Impact, rather than environmental concerns.

Arguimbau explained that she spoke with Turkington and expressed the Commissions dissatisfaction given that the Commission had a regulatory role in the process. Turkington explained to Arguimbau that he believed the agreement only pertained to the visual wall.

Orel requested to see the agreement between Eversource and the Town. She would like clarity as to why the project was pushed back from the road – to satisfy abutters concerns of visual appearance, the Fire Departments need for a turn around, or something else. When Eversource first presented, it was made clear to them that the project should be at least 50 feet outside the no disturb area. Orel wanted to know who was present at the discussions with Eversource and Town. (The agreement was part of the submission of the NOI. Within the signed agreement, it specifically said:

“The Town agrees to relinquish all rights to appeal, challenge, or collateral attack on the final decision in the EFSB proceeding, or the appeal, challenge or collateral attack of any approval of any other state or local agency or permitting authority, including without limitation, the Town of Sharon Conservation Commission.”

Commission members had concern that their rights were given away. Further discussion on how and why the project was moved back, visual or other? Commission members were not ready to vote on this project tonight. They would like time to speak with other town boards to discuss what could be done with regard to the stormwater management plan, the fire department regarding the circular driveway and town management.

There is concern of Commission members that approving this project would put them in a bad position and is precedent setting.

Vigneau explained that they worked within the town requirements in designing the project. They could have asked for an exemption, but chose not to.

**Motion:** to continue hearing to October 6 at 8pm.  
Arborvitae plantings should be shown on planting plan.  
Cremer, Orel 5-0-0

**8:15pm – Hearing Continuance: Notice of Intent**

Sharon South Park, 1125, 1155, 1225 and 1245 General Edwards Highway  
Cancelled

**8:30pm – Discussion: Spring Valley Country Club, Bob Shelmerdine**

Shelmerdine explained to Commission members that a couple of things have happened since he last met with them.

- The Selectman have requested 10 percent affordable housing.
- Developer originally was looking to build 68 units. They are now looking to build 68 units.
- The lots of have been divided into larger lots. One lot consists of approximately 58 duplexes. Another, smaller lot, will consist of 10 units which will be located on the outskirts of the property line.
- The clubhouse will consist of another lot which will include parking, and area dedicated for an on-site septic treatment plant if unable to tie into Norwood Sewer. The developer is currently in the process of preparing the design of on-site treatment plant. No perc tests have been done.

If proposal passes and developer is granted permits, then a deeded restriction of the golf course parcel will be given to the town with the understanding that no development will occur on the golf course. Ownership of golf course and clubhouse will be the same. If, in the future, the golf course should go dark, the Town will receive the land known as the golf course, while the developer will retain control and ownership of the clubhouse parcel.

It the current owner decides to sell the golf course and club house, the deed will follow.

Shelmerdine has been in front of the Planning Board, FinCom and the Board of Selectman (BOS).

At the last BOS meeting, the selectman asked for an additional \$400,000 in water mitigation (money to help offset cost of running a water line from area of Spring Valley into Norwood), 10% affordable housing and a \$600,000 contribution. The Town would like to hook up to Norwoods water line, to be used in case of an emergency. The Town has been negotiating with Norwood for the past year. Shelmerdine would also like to tie into Norwoods Sewer Treatment Plant.

The BOS are looking into scheduling a fall Town Meeting.

Shelmerdine is looking to have Town Meeting prior to the end of the year. The developer has given Spring Valley to the end of the year to put a deal together, otherwise, he will move forward with development of single family homes.

With respect to the MOU, Arguimbau is concerned with location of where duplexes are located (scenic road), and has asked for limited lawn area if the Town is unable to hook up to Norwood's water. (prefers no irrigation systems)

There was also concern as to whom the land will revert to if the golf course goes dark. The Town or Concom? It should be clear as to who (Town or Concom) gets what. Arguimbau will discuss with Commission members how to divide the lot and what piece they would like to retain.

Shelmerdine told Commission members to feel free to email him if they have any questions.

### **Members signed vouchers.**

Arguimbau asked members if they were available to meet next week to finish agenda. Most could not meet.

**Drought.** Arguimbau advised Commission members to watch the recent Water Management Advisory Committee meeting. There were some statements made regarding the Commissions responsibility in affecting change to the water ban and wetland implications.

Orel believes that there should be education on conserving water in the home. Though there is currently a program in existence, with the drought, it is a good time to talk about what folks can be doing. Another letter should be sent to BOS. As the ban will be lifted in 9 days, the letter should be drafted and sent soon.

Meister feels that at some point, the Commission should go to a Water Management Advisory Meeting. Avery went to a meeting in July and the Commission has spoken about having a joint meeting with them.

**Future Meetings:** Perhaps meet three times in October? First 3 weeks? Will decide at next meeting.

**North Main Street Violation:** Work is progressing. Meister was at the site earlier today. Owner is waiting to clear out a bit more so that Rockwood can come in and give an opinion on the hydrology of the area. Arguimbau asked who will be deciding when he is done.

**Lake Update:** Members from the Lake Management committee will come to meeting in October. A weed survey was done and they will come in and present.

**Motion** to go into exec for purposes of land acquisition.

Cremer - Aye,

Westman – Aye

Wasserman – Aye

Orel – Aye

Arguimbau - Aye

Meeting will adjourn at the end of executive session and will meet again on October 6<sup>th</sup>.

10:15am regular meeting ended