

Conservation Commission Meeting  
Sharon Community Center  
October 3, 2019 - DRAFT

Peg Arguimbau, Chair, Keevin Geller, Meredith Avery, Alan Westman and Stephen Cremer were the members present. Michael Donatelle and Jon Wasserman 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 – Notice of Intent – 269 South Walpole Street**

*Proposed construction of a driveway within the inner wetland buffer zone and the inner riparian zone*

Dan Merrikan of Legacy Engineering was present and presenting for the applicant. His client is looking for approval to install a driveway. Merrikan explained that in 2011, a parcel of land owned by Mazzota was subdivided into three lots. In 2013 and 2014 Mazzato was before the Commission to develop two of the lots noting they would be back at a later date to develop the third lot. Merrikan noted that at the time the land was subdivided, a Conservation Restriction (CR) was placed on portions of each of the three lots. He further explained that the only way to access the third lot was through an area which was within the inner wetland buffer zone and the inner riparian zone.

Merrikan is present this evening and is putting forth a limited project, proposing to put in a 12 foot wide gravel driveway. There would be a narrow corridor of disturbance. In looking at the plan, he showed that there was a steep embankment on one side which forced the location of the proposed driveway more towards the inner wetland buffer zone. Merrikan explained that for this project he is trying to balance and minimize disturbance of earth work to be done. The intent of his client is only for permission to build a driveway. His client would like to market the lot, not build. To date, the lot has been perced.

The plan Merrikan has presented to the Commission notes both the 100 foot buffer as well as the 50 foot buffer. This project is a limited project. There will be some work within the riparian zone. Merrikan explained that if the Commission were to look at the acreage of the original three lots, only 4.7 acres consist of riverfront area, which represents a small percentage of the property, prior to subdividing. Avery noted that unfortunately, according to the Wetlands Act, that calculation cannot be used, that the Commission may only look at what is being disturbed for the one lot in front of them tonight, not what the entire parcel was prior to being subdivided.

Merrikan informed Commission members that a retaining wall will be put in on the downside of the slope, noting that the driveway will be on the high side of the embankment. At one section of the driveway they will be very close to the river front. Meister asked if they plan on putting in a retaining wall, and if so, then most likely there would be clearing and disturbance of the area. Merrikan explained they planned to use gravity blocks for the building of the retaining wall to minimize any disturbance. His client is trying to stay as far away from the river front, but there is a limitation on where the driveway can be put in. Geller asked about a water line running to the property. Merrikan explained that most likely there will be a private well along with propone tanks for gas. Meister is concerned about the

use of gravity blocks as his experience has been that they fail pretty quickly and repairs could promote more disturbance of the area. Merrikan explained that yes, perhaps those gravity blocks purchased from Home Depot may fail, but the gravity blocks his client plans on using, Versa-Lok, seem to hold up well. Meister disagrees with this statement, explaining that the gravity retaining wall put in at the Staples complex has had to be replaced twice so far. Meister is concerned with using gravity blocks and would like additional information.

Westman noted that walls above 42 inches typically need to be reinforced back into the ground. Merrikan agreed and explained that one row of geo-tech fabric will be put in first. Cremer inquired about the perforated pipe to be located on the inside of the embankment and where the water went. Merrikan explained the water was groundwater and will pop out at different points along the wall. Cremer is concerned about vehicles using the driveway and runoff into the wetlands. Merrikan noted that a driveway was different than a roadway and that perhaps one to two vehicles would pass through several times a day. Cremer was concerned about the construction phase of the project. Merrikan does not believe that will be a problem.

Arguimbau asked if there were other options for the retaining wall, and the type of material being used (concrete or granular). Merrikan will send the Commission the cut sheet. Commission members are concerned that if repairs are required that they will be directly next to a wetland. Merrikan will speak with the Building Inspector Joe Kent. Siltation used will be a compost sock.

### **Abutters**

Question regarding the pit on site. It is a large pit and he is curious as to what fill will be used and will it be stable. Merrikin explained that dirt will be used to fill in the pit and that it will be graded and leveled off. He believes that four to five feet of fill should be sufficient to be able to make that part of the driveway level. Arguimbau inquired if the leveling and grading would mesh into wetlands. She would like to possibly look further into what should be done regarding the filling of the pit.

There was concern about how many trees would need to be taken down. Abutters feel that the trees provide a buffer to Route 95. Merrikin explained that a narrow driveway is being proposed and that hundreds of feet of woods will not be disturbed. The schematic of the proposed driveway has been provided. Arguimbau explained to the abutters that the Commissions jurisdiction pertains to the wetlands and buffer zone only and they have no control beyond that.

Several of the abutters mentioned they were told by real estate professionals (over the years) that the proposed area for the driveway/potential home was not buildable. They are disappointed and feeling let down. Arguimbau explained that property owners have a right to develop their land.

An abutter asked the Commission what had changed that made it feasible to put in another lot? Arguimbau explained that within the Wetlands Protection Act there was a section which allowed for "limited projects". Meaning that property owners who own land which is

buildable, but with no access other than within a buffer zone, are entitled accesses via **limited project** status. When this subdivision was created back in 2011, the Commission understood the developer would be back at some point.

An abutter asked what the process was moving forward. Arguimbau explained tonight's hearing will be continued to Thursday, October 17<sup>th</sup>. When the hearing is closed, an Order of Conditions will be issued, which sets down the parameters of what needs to occur in order to put in the driveway. Once an Order of Conditions has been issued, if someone believes that the Commission has not followed the Wetlands Protection Act, then the decision can be appealed (within ten days). The Commission has 21 days to issue the Order of Conditions. The applicant can begin building after the tenth day of issuance of the permit (after the appeal process has ended).

Arguimbau explained to those present that the ultimate goal for the property, from the perspective of the Commission, is to protect as much wetlands as possible. When the development came in front of the Commission in 2013 for the development of two lots, a Conservation Restriction, which runs with the deed, was imposed. The Conservation Restriction put on portions of the lots protects the lots from future development.

An abutter asked what the ultimate goal for the property is. Merrikan explained his client only wishes to put in a driveway in order to market the lot. The lot is for one single family home. That is what the lot is zoned for.

Meister brought up that the remaining buffer between the proposed house and Route 95. He mentioned that the CR goes across an area which does not really protect too much of what is there. Merrikin agreed and explained that there is a CR and the land cannot be disturbed.

Geller mentioned that the 8 homeowners potentially affected by the development of this lot, may wish to chip in and purchase the property.

**Motion** to continue hearing to October 17<sup>th</sup> at 7:45pm

Commission looking for an updated plan addressing: the width of the proposed driveway, gravity wall and adding in plantings. Geller, Westman 5-0-0

### **8:00 PM – Notice of Intent – Hearing Continuance Prince Way/Bay Road**

*Construction of two cul-de-sac roads with associated grading, drainage and utilities*

Steve Giosio of Sitetec was present and presenting for the applicant. He informed the Commission that there have been changes to the original plan, but they are not yet fully updated. Once plans have been fully updated, he will drop off to the Commission office. He will also set up another meeting with the Commission, but wanted to be here this evening to provide the Commission an update on the proposed project. After the last meeting with the Commission on June 20th, the applicant looked further into how to meet the needs requested by the Commission. Giosio met with Lance DelPriore, Assistant Town Engineer and Kevin Davis, Field Agent to discuss possible alternatives. With the assistance of DelPriore and Davis, Giosio met with the Town of Stoughton about the possibility of hooking up to their water lines. Stoughton is agreeable and plans will be worked out for this specific project.

Wastewater items still remain which may alter the number of lots the developer will be able to put in, but Giosio wanted to be here this evening to discuss possible changes. As mentioned earlier, he will schedule another time to come in with the updated plans to present to the Commission. The Planning Board, along with Town Engineer O'Cain have seen the plans and Giosio wanted to update the Commission where the project was at this point. Giosio wanted to thank both DelPriore and Davis for their assistance with the Town of Stoughton. This hearing will be continued to November 7 at 7.45pm

**8:15 PM – Hearing Continuance RDA 194 Edgehill Road**

*Propose to regrade, loam and reseed existing rear lawn within 25-100 buffer zone; clear overgrown vegetated area adjacent to dwelling and replant and mulch.*

Bob Shelmerdine was present this evening, representing the applicant. Shelmerdine noted that he was before the Commission two weeks ago. He passed out updated plans for Commission members to look at. Shelmerdine explained that there was a home on the lot which was built in 1955 and was recently taken down. As is outlined on the plan, the bordering vegetated wetland line is marked along the back lawn area. The tree line is also marked. Shelmerdine is asking for the area marked in yellow to be replaced and regraded. As requested at the prior Commission meeting, grading area has been rounded out a bit. The removal of overgrown vegetation and mulch is from a hill which the applicant is trying to flatten out a bit.

Cremer asked Shelmerdine how the word mulch is being used (noun or verb?). Cremer asked if the word were to be used as a verb, then is the applicant going to mulch the area. Or, if using the word much as a noun, then is the mulch going to be removed. Shelmerdine explained that the area is highly vegetated, and the plan is as outlined in the project description from the filed Request for Determination. Shelmerdine explained that his client would like to grade the area. The existing lawn goes pretty much to the tree line. Shelmerdine also noted that no part of the new home will be within the buffer zone. He did note that a small portion of the deck will over hang into the buffer zone, but the stilts and posts used for the deck will be placed outside of the buffer. The home has been built, but the deck has not yet been started. Hay waddles are in place. Applicant hopes to close on the new home the end of October.

Arguimbau asked about the irrigation system. Shelmerdine explained that this was a nice home, about 4,000 square feet, and the expectation of the buyer is that an irrigation system will be installed, including both the front and back yards. Shelmerdine believes the prior homeowner had installed an irrigation system for the lawn, but this has not been verified. Shelmerdine also noted that this is an existing lawn. Arguimbau asked who designs the irrigation system and if Shelmerdine knew the distance between the irrigation heads. Arguimbau prefers that there were no irrigation heads in the back yard as would like to minimize as much as possible in the buffer zone. Geller noted that there was a sold sign on the property. He asked Shelmerdine what promises were made to the buyer regarding irrigation. Shelmerdine noted that no promises were made and there was no mention of irrigation system in the P & S agreement. Arguimbau asked to see the irrigation plan before orders are issued. Shelmerdine explained that his client would like to stay on schedule and

would like to move forward with grading work. He will try to bring an irrigation plan to the Commission's office next week.

Avery noted that the larger issue regarding the irrigation of the backyard is the chemicals which will be used, which eventually will wash into the wetlands. She does not think the problem is the number of water heads but instead, what will be washing into the wetlands.

Shelmerdine wants permission on grading. A Negative Determination with Conditions will be issued. Shelmerdine said that was fine as long as his client can begin work on grading. He will work on plans for the lawn irrigation and will plan to come back in two weeks.

**Motion** to issue Negative Determination with grading per new plan with owner of property or his representative meeting with the Conservation Administrator next week to discuss plan for irrigation heads in back yard.

Avery, Geller 5-0-0

#### **8:30 pm - Discussion Cranberry Bogs; Fred Bottomley and Norwood Engineering**

Update on cranberry bogs. Bottomley is not present this evening. Shelmerdine explained that Matt Smith of Norwood Engineering was present to discuss work which has been done this past year on the cranberry bogs.

Matt Smith explained that his client is David Speigal, owner of the proposed mall. They are working off of plans drawn up by CHA and they have been trying to implement what has been approved previously by the Commission. By the time Norwood Engineering came on board, the roadway was completed. The main focus of Norwood Engineering has been the flood replication area. Calculations have been done and requirements have been met regarding flood compensation. Smith has worked with Meister and some changes were made in the field. A number of trees which were slated to be removed have been preserved. There was also a question on where the wetlands ended. Working with Meister, changes were also made on the wetland delineation line. There will still be an expanded bog along the roadway and flood compensation and wetland replication has been established as approved. Smith believes that the final project is better than what was present before. A number of trees have been preserved, and work away from the pond has been done. John Rockwood from Eco Tech has been brought in as the Wetland Scientist. Mitigation is being done. Client is working with Natural Heritage on a turtle plan.

Arguimbau is concerned that current work being done will get tied in with the bog replication. John Rockwood is coordinating and Smith believes things will be done properly. Meister mentioned that the new bog areas have been created.

Shelmerdine noted that Speigal is working on cleaning up the area and is trying to bring the bogs back into working order. All work Smith has been doing is in pursuant to the farm plan and at this point, about 95 percent of the farm plan has been completed. Smith explained that it is important that all parties work together to make for aesthetically, functioning cranberry bogs.

Shelmerdine spoke about the conservation permit from NHSEP. He explained that as required, deed restrictions on the property have been completed. He informed Commission members that 15.9 acres of land has been deeded to the town, with potential use for the Town to use some of the land for a well head. The water department has looked into this possibility. Shelmerdine also reviewed with Commission members that there are deed restrictions currently in existence on different parts of the property and that once all work has been completed; they will convert to a Conservation Restriction (CR). Speigal is looking for a grantee to manage the land put into a CR. The deed restrictions and such are all outlined on the plans provided to the Commission and are quite detailed. Shelmerdine noted that he would be meeting with Natural Heritage next week for approval on the project, and has met with the Town earlier this week regarding work to be completed at the site as well as talk about the deed restriction. Shelmerdine also explained that his client would like to leave the bogs in working order and in a condition better than what they were originally. He also noted that it was up to the owner or owner's representative to manage the bogs, that the responsibility of management will not fall to the Town. It is too late for cranberry bogs to be put in use for this year, but over the next several months, his client will be looking into scope of work to put in place to make the cranberry bogs operational.

Shelmerdine explained that there were a lot of moving parts with this development. There have been some good conversations with an anchor tenant.

### **Other Business**

The Community Preservation Committee (CPC) met last night. They voted unanimously to use CPC funds to assist in purchasing Rattlesnake Hill. Forsman (GIS Coordinator) prepared a map of all land in Sharon protected by the Conservation Commission. Arguimbau showed this map to the Commission members. Arguimbau gave a breakdown of the properties owned by the Commission. Those parcels in red are properties which have been purchased by the Commission. The parcels in yellow are properties owned by the Commission using CPC funds. The properties in green have either been gifted to the Commission or are properties received through subdivision approval process. Arguimbau also noted the Griffin land on Norwood Street. The Commission purchased the CR on the property, but Audubon owns the land.

When look at the total picture, the Commission owns has been able to protect approximately 700 acres of land at a cost of about \$15,000 per acre.

**Move:** to go into executive session at which, at the end of executive session the meeting will adjourn.

Keevin - Aye

Avery - Aye

Peg - Aye

Westman -Aye

Cremer –Aye

9.05pm entered into exec session.

