

Conservation Commission Meeting
Sharon Community Center
March 5, 2020

Peg Arguimbau, Chair, Keevin Geller, Jon Wasserman, Meredith Avery and Stephen Cremer were the members present. Not Present was Alan Westman. Conservation Administrator, Greg Meister was present.

A sign-in sheet is on file in the office listing other attendees of the meeting.
Meeting started at 7:45pm

7:45 P.M. – Eagle Scout Proposal, Michael Quinney
Proposed Volleyball Court at Community Center Beach

Michael Quinney presented to the Commission his plans to erect a volleyball court - part of obtaining his Eagle Scout badge. He explained the dimensions of the court will be approximately 30feet by 80feet, which includes a 10inch barrier for safety. As measured, the proposed volleyball court is approximately 14 feet from tree line. He plans to dig test holes to test the water level. Hopefully he will be able to dig far enough down to put in cement to lock in the volleyball posts. For the posts located closer to the water, a point where the water table most likely will be higher, Geller mentioned to pour a “foundation” first and stick the post in, then put in the hole and fill with sand. This should “cement” the pole in. Quinney also hopes to bring in additional sand as there is not enough at the location. He was asked who would pay for the sand. Quinney informed Commission members that he would most likely be fundraising for the money needed.

A wooden frame will mark the court. This will help to not only keep sand in, but prevent water from getting in. According to Meister, the location identified for the volleyball court is a bit of a waste land, with overgrown weeds. It will be a nice area for the volleyball court.

Arguimbau asked about the timing of the project. Quinney explained he would like to begin the project in the spring. He is waiting for approval and is doing some fundraising.

Arguimbau asked Quinney for a map of the proposed project and what it would look like finished. In addition, she would like the map to show the court in relation to the water as well as the location on the beach. Quinney had a plan and will expand to include the water. He will give the completed plan to Berger who will pass it on to the Commission to have for their records.

Arguimbau asked Commission members if they were in favor of the project. All agreed it was a good project. Arguimbau explained that once the plan is given to Berger, Quinney will be to begin the project. Arguimbau also asked for notification when the project will be able to begin.

Berger informed the Commission that there was another Eagle Scout that will be presenting at the next Commission meeting. The Eagle Scout project is to clean up the area around Deborah Sampson skating pond which is located within the 100foot buffer zone.

Members signed warrant.

Meeting Minutes

Approval of meeting minutes, February 27, 2020

Motion: to approve minutes of February 27, 2020.
Cremer, Geller 4-0-1 (motion passes)

8:00 P.M - Updates: Cape Club

Robert Shelmerdine presenting for the applicant. He showed Commission members a map of the previously approved project plan. This map showed the entire development. He explained that this project and the associated plan was approved by Planning Board as well as the Zoning Board. Members were then given another map showing the phasing in of the project. He noted that this new plan highlighted the environmental buffers - explaining that the color green notes the bordering vegetated wetlands (bvww). He also pointed out that a stream (color blue) ran through the club. The 100 foot and 200 foot buffers were pointed out as well. Shelmerdine pointed out another stream further down, along with the 100 foot and 200 foot buffers.

Shelmerdine then reviewed the first phase of the project, pointing out units 17, 18, 27, 28, 35, 36 as well as units 51 and 52. Shelmerdine explained that units 51 and 52 were in the upper riparian area. All of these units have been built and have been sold or have agreements to be sold. This first phase is part of the approved plan.

The problem moving forward, is the design for the remainder of the project (phase 2, 3 and 4). His client believes the design of the approved plan can be improved and therefore would like to modify the approved plan. He is currently in front of the Planning Board requesting a design modification.

Shelmerdine reviewed the approved plan with Commission members. He explained part of the problem is the roadway which runs through the project and which services the new built units, the club house, locker rooms, golf course, pro shop and restaurant. The housing units are clustered and the middle units provide no privacy or open space.

Planning board is in favor of new plan. Shelmerdine showed the modified plan. Passed out modified plan to commission members. Which include environmental buffers. Have taken all units (two layers), kept existing parking lot, will not be building another parking lot, but have taken proposed units and moved them further down Cape Club drive. Remaining units (in green) have open space in both front and back and more private. Originally had only four buildings and still only have four, but the buildings have been moved further down the road, and curve up and around. This movement has allowed for all remaining units to have both open views as well as some privacy. According to Shelmerdine it is a better design.

Eliminated all but units 7 and 18 in upper riparian. So pulled out 6 units from upper riparian.

Shelmerdine noted that there would be no encroachment into any of the buffer zones, and that some of the proposed housing will be taken out of the buffer. Existing parking lot will be repaved. Tom Houston has finished his review of the drainage. Completed 2/24/20. Shelmerdine explained that there will be more meetings with the Planning Board for review.

Shelmerdine was hoping that once Houston completed his review of the drainage, and Planning Board had a chance to review, that the project could exist within the original Order of Conditions. Both Meister and Arguimbau felt this was not appropriate, and most likely DEP would not accept. Both believed the changes, though good for the Town, were too significant to fall under the existing Order. According to Meister, and from his experience, amendments to Order of Conditions were typically for scribner errors. He believes there should be a new filing. Avery believes that an amendment to the existing orders should be sufficient. The delineation line is not changing, and the changes being requested are for the movement of buildings.

Shelmerdine will need to file a new plan with the Commission showing the changes and an amendment to the project will be prepared.

Sharon Gallery

Robert Shelmerdine presenting for the applicant. With all the changes with this project, they are looking to amend the existing Order of Conditions. A new plan has also been presented to the ZBA. Originally, BJ's was to be the anchor store. This has since changed, with Market Basket now the anchor store. Their specifications differ slightly and therefore Shelmerdine is present this evening asking for some changes. Shelmerdine reviewed with Commission previous filings relating to this project (SE280-490, SE280-491) Extensions for these filings have been applied for and granted. The BVW line remains good.

Shelmerdine handed out a set of plans to Commission members showing what was originally approved. He then passed out updated plans noting proposed changes including new size of the anchor store, along with changes to the square footage of additional buildings located in proximity to the anchor store. He noted that there would be no encroachment or building within the 100-foot buffer. He also showed the buffers surround the other buildings, all of which were outside the 100-foot buffer. Shelmerdine believes uses for additional buildings would include a 2300 square foot coffee shop, and a pharmacy. There will be 24 apartments above retail, of which 6 units would be considered affordable. Shelmerdine also passed out plans showing what the developer saw as potential future development (noted on plan as "future"). According to Shelmerdine, Town Engineer, Peter O'Cain, has commented on the project. Meister asked Shelmerdine about potential ball fields. Included in first phase of development will be a hotel. Prior to building of the second phase, a head count of school children entering (from the development of the first phase) the

schools will be needed, as future building will be dependent upon the number of school children entering the school system. Arguimbau is concerned about the pavement noted on sheet 5, and its proximity to an isolated wetland.

Limit of work. Would like to establish. Shelmerdine was hoping to have a workshop with Commission. Houston has the drainage calculations.

Shelmerdine is hoping to keep this project under existing Order of Conditions.

Meister believes that a new filing is in order. He also mentioned that for the next phase of work, perhaps an amendment could be granted instead of having multiple filings. Shelmerdine should include what is projected for phase 2 activity so as not to have to file another Notice of Intent. This can be accomplished if applicant knows where the bvw is and the basics of what is planned.

Avery asked Shelmerdine about closing the order and what would be needed for tenants. Shelmerdine explained to Commissioners that his client most likely would submit Notice of Intent for this project quickly, perhaps by next week. The limit of work will be noted in the next phase. Shelmerdine was also asked about the stormwater plan and if the original one was still in place. Shelmerdine answered that full build out will meet all stormwater standards.

Avery told Shelmerdine that if the project was done in phases, the Commission will require assurance that when both phases are to be completed, the developer will not come back asking for relief or saying that they can't meet the burden imposed by regulatory standards. This will be a condition in decision.

Cranberry Bogs

Shelmerdine informed Commission members that all replication has been completed. Sand was being spread at the site today. Regarding the conveyance of the cranberry bogs to the Commission, it is hoped that things could be set for the Commission to accept the deed around May 1st. Shelmerdine's client has been working with Stearns irrigation and have purchased necessary equipment needed for the bogs. Shelmerdine will share costs spent with the Commission. He believes about 63 thousand was spent with Stearns Irrigation. Additional monies coming to Commission are approximately \$98,000 thousand. Shelmerdine plans on asking F. Bottomley to assist with this. May 1st is the target date to transfer the bogs to the Town. This would allow for the bogs to be harvested in the fall. Arguimbau asked of turnover of the deed is tied into building permits. Shelmerdine explained that by May first all work on the bogs should be completed. Remaining would be the developer's ability to retain a portion of the bogs for fee interest which may be needed for future development. (this was outlined in MOU with the Town.) O'Cain will be looking into this. Meister asked if additional monies would be coming to the Town. Shelmerdine explained that about 125,000 has already been paid to the town and remainder due to the town will either be in the form of cash or equivalent services. Arguimbau expressed concerns about harvesting and if a decision had been made on the

location to pick up the berries. At entrance point, there needs to be enough room for large trucks to access. Bottomley is in favor of the entranceway where there is currently access. Shelmerdine noted that there was possible access off of Old Post Road entranceway. This will need to be looked into.

Shelmerdine then reviewed with Commission member's property that the Commission will be receiving.

- Parcel CE3. Developer no longer wishes to own this parcel and wishes to gift (deed) to the Commission. Natural Heritage is requiring a Habitat Management Plan. Need to determine if this plan is in perpetuity and cost of maintenance.
- Parcel CE1. Currently has a CR, though not meant to be permanent. Natural Heritage wants CR on property and need to look into cost to hold the CR.

Motion to adjourn: Cremer, Wasserman 4-0-0 (motion passes)