

Conservation Commission Meeting
Virtual Meeting
April 16, 2020

Peg Arguimbau, Chair, Meredith Avery, Alan Westman, Keevin Geller, Stephen Cremer and Jon Wasserman were the members participating. Conservation Administrator John Thomas also participated in the meeting.

This virtual meeting started at 7:54pm

Arguimbau opened the meeting by reading Governor Baker's Executive Order of March 12, 2020.

7:45 P.M - Eagle Scout Proposal, Jason Godfrey, Troop #95 - Sharon
Clearing of Brush at the ice skating area (Deb Sampson)

Godfrey informed Commission members that he had, along with his advisor, Ms. Meech, met with Meister at the skating pond at Deborah Sampson Park. He is proposing to clean up the pond (there is a soccer goal and trash in and around the pond) and trimming the vegetation along the path and near the skating pond. (The path is approximately four feet wide and about forty feet long.) In addition, he will be refurbishing and painting the existing warming shed and adding cubbies for people to put their shoes. At completion of the project, a sign will be posted off of the main path which leads to both the dog park and skating pond. This sign will inform folks of the existence of the skating pond.

Godfrey had hoped to begin his project in April, but will begin his project as soon as people can get together again.

Arguimbau asked Godfrey to call the Commission's office when he is ready to begin the project.

Lauenstein, 4 Gavins Pond Road thanked the Boy Scout for his work and hoped that a sign would be posted commemorating the work Eagle Scouts are doing.

7:55 P.M - Presentation: Artifucial Turf Moratorium
Debbie Tatro, Sharon Sustainable Coalition

Tatro's presentation is on file in office. Tatro is presenting this evening, asking that the Commission support its citizen petition for a moratorium which asks the Town for a three-year moratorium on the installation of any turf fields. The reason for this request is so that more information on PFAS can be learned. Tatro provided a brief summary and rationale for the three-year moratorium, noting the following:

- Threat of toxins in plastic turf
 - (forever chemicals, possible chronic health problem, threat to Lake)
- High \$ cost of plastic turf
- Plastic Pollution

Wasserman asked what the role of the Commission is with respect to this request for a moratorium? He understands that the Finance Committee is looking at the direction the Conservation Commission may take on the moratorium article presented at Town Meeting, however, he believes that this request is separate from a Notice of Intent filing (NOI). Avery also had concerns. She believes that the moratorium, requesting a three-year ban on any turf fields, lies outside of the jurisdiction of the Commission. There is currently a filing before the Commission on a turf field, and Avery is concerned and does not wish to make an arbitrary decision on what the Commission can act upon. Avery asked Tatro: "Why a three-year moratorium?" Tatro responded that presently, there is no real data on PFAS. She believes that three years would allow time for research (PFAS) to be done and to be published. Avery's concern remained: based on jurisdiction, what position can a Commission take?

Arguimbau put forth, that since Town Meeting is being pushed back to possibly June, that the Commission does not need to take a vote at this time, and can discuss further at the next meeting. She suggested that town residents write to the Commission, noting their concerns, both for and against the moratorium.

Geller noted that when the turf field project comes before the Commission, that the design team for the project will need to present materials to be used in construction of the turf field. At that time, the Commission will be able to vote accordingly. At this time, he is opposed to taking action on something which has not yet been presented.

Arguimbau noted that there is some science behind the request for the moratorium. She also believes there are two things in front of the Commission: 1) A request for support from the Commission for a Citizen's petition for a three--year moratorium on building turf fields, 2) A Notice for Intent for a turf field at the high school. At this time, perhaps push vote to the Commission's May 7th meeting, allowing time for residents to send in questions or concerns regarding the moratorium and the proposed turf field.

There will be two options at the May 7th meeting: 1) Not to take a position on the request for moratorium or 2) To make a motion and support the moratorium on only areas where the Commission has jurisdiction.

Wasserman asked that given an NOI has already been filed (though not yet heard), can the Commission vote on the matter of the moratorium. It is believed that yes, the Commission can vote on the moratorium.

Motion: to continue discussion on moratorium to May 7th meeting.
Geller, Cremer 6-0-0 (motion passed)

8:00 P.M. – Hearing Continuance, Notice of Intent - Prince Way Roadway (DEP SE #280-0610)

Applicant has asked for a continuance. Hearing will be moved to May 7th.

Motion: to continue hearing to May 7th.
Westman, Avery (6-0-0) motion passes

8:15 P.M. – Notice of Intent: 25 Tiot Street, Cape Club (DEP #SE280-0615)
Berger/Aquatic Management Program, ponds at Cape Club

Paul Conti, present and representing the applicant and the Cape Club. A Notice of Intent (NOI) has been submitted for aquatic management on six ponds located on the property. Presently, consultant has been seeing sedimentation and algae blooms in the ponds. Invasive plants and invasive water chestnuts have also been noticed in the ponds. Conti is proposing to treat the ponds bimonthly. A combination of hand pulling (where applicable) and herbicides will be used. They are hoping to begin treatments this month.

Thomas voiced several concerns:

- Two of the ponds seem to be under 10,000 feet, therefore likely to be considered BVW. How will the work meet the performance standards for work within a BVW and ACEC?
- How will herbicide treatments be confined and contained within ponds with outlets?

Conti responded that in certain instances, the water level would be reduced so there would be no flow out of the ponds. The placement and use of sandbags will also help prevent outflow of water. With monitoring twice per month, it is hoped that herbicides will be limited. Additionally, the herbicide treatment will be diluted. Thomas asked Conti for an emergency response plan, noting what plans are in place in case herbicides do go down stream. Thomas would like to ensure that offsite areas are not impacted by any of the treatments. Conti noted that he has models that he can run, and will forward to the Commission. Thomas also asked that the NOI include reference to the Order of Resource Area Delineation (ORAD) #280-0602, and that the site plans be revised to include resource areas determined under the ORAD. Thomas also noted that the DEP also had concerns and which needed to be addressed.

Avery noted that she did not see email from the DEP. Asked about treatment and concerns of DEP. Conti responded treatment may include cattails and water lilies, but it is to be determined, and only will be done where appropriate.

Laura Nelson, Abutter – 236 Edgehill Road. When the project initially began, she organized abutters. At this time there are several questions and comments:

- One of the abutters noted that the pond near his home is not included in the management plan and he was curious as to why? **Conti: not sure, noting that the Cape Club provided him with a list of ponds they wished to be treated.**
- Abutters have concern with the herbicides to be used. They would prefer hand clearing. **Conti explained hand clearing will be used in the smaller ponds, and for the water chestnut invasive. For the larger ponds, hand clearing is not efficient, is more expensive and creates more disturbance.**
- Abutters with private wells are concerned. Did applicant research abutters within ¼ mile of proposed aquatic treatment who may have private wells? Will treatment affect these wells or the groundwater supply? **Conti – he typically researches location of private wells within ¼ mile of proposed project. He did not notice that there were private wells in the vicinity, but will double check.**
- Nelson noted a clause in her property deed going back to 1945 allowing homeowner use of water from the golf club via the irrigation system. She was curious if this water was potable? **Conti mentioned water available on the side of the property and where a water feeder was. At this point, water can be drawn from this location and the water is potable. However, when using some of the herbicides, there are restrictions for several days. Conti will notify both the Club and abutters of any restrictions following a herbicide application. This will be done via letter, from information received from Assessors office.**
- There is concern with dogs walking on course after any treatment.

Argumbau explained that additional information was needed prior to closing this hearing. She inquired of Commission members if they were OK to grant permission for hand clearing while waiting for additional information. Members agreed that hand clearing would be OK.

Any additional questions from abutters or others, please email the office prior to the next meeting.

Motion to allow hand clearing while waiting for additional information
Cremer, Geller 6-0-0 (motion passes)

Motion to continue this hearing to May 7th
Wasserman, Avery 6-0-0 (motion passes)

Other Business: Optima Hotel, Dave Wluka

Wluka asked for this hearing in order to move forward with his project. As this project encompasses both Sharon and Walpole, various hearings were held in both towns. In September, 2019 Order of Conditions were issued by both Conservation Commissions. However, at the most recent Walpole ZBA meeting, they voted against the project. Wluka worked with his legal counsel and both Town's legal counsel and an agreement was reached. Wluka is only asking for a map substitution (hotel will now only be four stories in height, and will be fifty feet longer than initially proposed. The additional fifty feet will be on an area originally dedicated for parking).

Cremer asked for clarification on the plan which was showed.

Motion to accept revised plan for project #SE280-0612. Plan will be emailed to the office and accepted into file. Wluka will forward revised plan to DEP.

Avery, Cremer 6-0-0 (motion passes)

8:30 P.M. – Hearing Continuance; Notice of Intent - Sharon Galleries

Thomas asked Shelmerdine to continue hearing to May 7th.

Motion: to continue hearing to May 7th.

Geller, Wasserman 6-0-0 (motion passes)

8:45 P.M. – Notice of Intent: Sharon High School Project DEP#SE 280-0616

Demolition of existing high school and rebuild

Will Schreefer of Nitsch Engineering representing the applicant. Schreefer noted he was present this evening to discuss the proposed project. The construction of the new high school is partially located near a small isolated freshwater wetland. This isolated wetland is located within a narrow band of forested land extending along Beach Street on the southern portion of the school property, near the tennis courts.

Schreefer noted that there is some natural vegetation in the area, but most of the natural vegetation had been removed previously.

With a town by law of a 100 foot "no-build" setback, and a 75 foot "no disturbance" setback required for all work within a wetland resource area, Schreefer is asking the Commission for a variance. The overall intent of the project is for the existing high school to remain in service for as long as possible while the new high school is being built. The wings of the building have been adjusted several times to keep them out of and as far away from the wetlands as possible. The corner of one wing of the building comes within 62.2 of the wetland resource area. This is the closet any portion of the building comes to a resource area. Schreefer mentioned that overall development at the site should not impact nor create additional disturbance to the isolated wetland and no existing vegetation will be disturbed; the only disturbance

will be to already disturbed and cleared areas within the proposed limit of work. Additionally, with the removal of the tennis court and other structures, the impervious area within the 75-foot buffer will be reduced. Additional vegetation will be planted to help improve the natural buffer associated with the wetland.

Arguimbau asked about the access way which goes out to Beach Street. Schreefer explained this roadway was specifically for deliveries, maintenance and emergencies only, and consists of a loading dock and an area for trash/recycling dumpsters. The main entrance to the school will be located off of Pond Street.

Wasserman asked what the surface area near the tennis courts will become. Schreefer explained that area will be grass, with small terrace walls (an extension of the cafeteria).

Westman asked if that area will be manicured lawn or natural? Schreefer explained that ultimately, the goal is for the area to be an extension of the existing wetland.

Johnson, from the architect firm Warner Lawson, explained that the vision for the area outside of the cafeteria, will be a lawn area with a multiuse space. This area looks out onto Beach Street, and there will be a walkway around the area where science classes can be held. Part of the area will be a functional bio-retention area for stormwater.

Arguimbau asked if there were plans showing the borings. Schreefer explained the boring plans were not part of the presentation, but they were part of the drainage report. He mentioned there were 22 borings and 8 test pits located throughout the site. Groundwater on the site was anywhere between 3 to 7 feet. This information can be found in the appendix to the stormwater report.

Avery asked about maintenance to the porous asphalt and pavers. Schreefer explained a maintenance plan is part of the project, he believes it is outlined in appendix D of the storm water report.

Thomas asked if there needed to be a second opinion to the storm water drainage report. He did put out a request to Houston, but has not yet heard back. Thomas did speak with Town Engineer O'Cain about looking at the plan and O'Cain suggested that perhaps outside consultant take a look at it.

Arguimbau asked others their thoughts on hiring outside consultant for review of stormwater report. Avery asked that since this was a town project, do we typically have a peer review? Gladstone of Standing Building Committee believes the town should rely on the consultants engaged by the town. The general consensus of Commission was that a peer review is not necessary.

Motion: to close hearing per plan with notification to Commission when work begins. Arguimbau asked about an erosion control plan? In orders will be that the office will be notified to inspect erosion control prior to work beginning.

Wasserman, Geller (6-0-0) Motion passes

9:15 P.M. - Notice of Intent: Sharon High School Fields SE#280-0617

This hearing was opened and continued to May 7th

Motion to continue hearing to May 7th
Westman, Geller 6-0-0 (motion passes)

Other Business:

Update: Lake Massapoag

Thomas informed Commission that the Order of Conditions for Lake Massapoag is due to expire shortly. He proposed that Commission issue a five-year Extension of Orders through 4/16/2025.

Motion was made to continue the Order of Conditions for Lake Massapoag
Wasserman, Cremer 6-0-0 (motion passes).

Thomas reported on the lake level. With all rain we have had, managing the lake has been challenging. However, at this time the lake remains below 10.5 feet.

Violation Notices

- **363 Massapoag Ave.**

The property owner clear cut land located near wetlands. They will need to replant though Conservation Administrator has not been on the property to review and assess how much area was actually clear cut and the damage done. The property owner was sent an Violation Notice and was asked to contact the office by April 16th. There has been no response yet. If Thomas does not hear from property owner by April 23rd, a Enforcement Order will be sent.

Motion to ratify Violation Notice.
Geller, Westman 6-0-0(motion passes)

- **1 Seminole Circle**

The property owner was dumping lawn clippings and waste debris into wetlands. A Violation Notice was sent, asking owner to cease and desist from dumping in the wetland. In addition, owner was asked to contact the Conservation Administrator within 10 days of receipt, otherwise an Enforcement Order will be issued. Thomas explained that he learned from Meister, previous Conservation Administrator, that this land owner has

been dumping yard debris into the wetlands off and on over the years. Thomas hand delivered the notice to the property owner yesterday, 4/15/2020

Motion to ratify Violation Notice
Geller, Wasserman 6-0-0 (motion passes)

Enforcement Order

- **4 Solstice Way**

An Enforcement Order was issued to property owner. There is a stone marker at rear of property that home owner was supposed to put in. In addition, it is unclear as to the extent of the work done at rear, whether the work done was on the landowner property or on town owned property. Thomas has been in touch with Tom from the Trustees of the Reservation who also has concerns regarding work done near at the rear of the property. Thomas is asking for landowner to have his property surveyed by a professional surveyor. The landowner is also requested to appear before the Commission at the May 7th meeting.

Motion to ratify Enforcement Order
Cremer, Westman 6-0-0 (motion passes)

Other Business

With another full agenda for May 7th, Arguimbau asked members to begin the meeting at 7:30pm. All Commission members were in agreement, with start time for the May 7th meeting set for 7:30pm.

Approval of Meeting Minutes

- Minutes of March 5, April 2, and April 15 will be sent to Commission members prior to the next meeting.

Avery mentioned that a protocol should be set for future meetings. It should be determined prior to the start of meetings how questions will be answered and how participants will be acknowledged. Additionally, Avery believes that everyone except Commission and presenter should be muted. Also, it is believed that folks should submit questions and comments to the Commission prior to the meeting, which can then be forwarded to the applicant. A sentence asking for comments to be submitted to the Commission prior to hearings will be included on future agendas (for virtual meetings).

Motion: to adjourn
Cremer, Wasserman 6-0-0 (motion passes)

Meeting adjourned at 9.34pm