

Conservation Commission Meeting
Sharon Community Center
April 7, 2016

Peg Arguimbau, Chair, Linda Orel, Alan Westman, Stephen Cremer and Keevin Geller were the members present. Member not present was Meredith Avery. 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

7:45pm – RDA: Columbia Gas, Replacement of Gas Mains, East Street

Chris Sanderson, Representative of Merrill Engineers.

This project is a Gas Main Replacement on a portion of East Street. Arguimbau recused herself from the hearing as the gas main replacement runs past her home on East Street. The resource areas have been delineated by Brad Holmes. The gas mains are being replaced due to the age of the pipes and a concern with the pipes leaking. The current pipes are being replaced with 8 inch plastic. The length of the project is approximately 2,500 feet. All proposed work will take place within the paved roadway. There will be erosion control measures along the resource areas. Waddle will be removed at completion of project. Only a portion of the roadway will be opened each day (approximately 80 to 300 feet will be opened; only that which will be able to be completed). The old pipe will be flushed out and capped, remaining in the ground. No work will be performed during rain events. A sediment filter will be installed in all catch basins. There will be no stockpiling of soils within buffer zones or overnight. Upon completion of the project, there will be permanent pavement over trench.

Motion to close Cremer, Westman 3-0-1

8:00PM NOI: Hammershop Pond

Jim Guarente of GZA Consulting representing the client.

Guarente explained to Commission members that a remedial design for Hammershop Pond Dam has been prepared in order to bring the dam up to current standards of dams of that size. Hammershop Pond Dam is located on Ames Street. It is considered an intermediate size significant hazard dam. What that means is that if the dam were to fail, there would be potential property damage, closing of roads, and/or no loss of life. Hammershop Pond Dam is a very old dam. When the dam was originally built, there was no capacity at the spillway to pass water in case of a 100 year storm. The current repair will take a 100 year storm into account, providing for some minor overtopping, (at most, approximately a half foot) so the dam will not fail.

The trees around the dam have been removed and will not be replaced per current standards of dam safety. Stumps will be removed within limits of the dam.

Dam is being replaced due to a Routine Phase 1 inspection which took place in 2014. At that time, an old stop log structure was in a state of collapse. In late 2014, a petition was filed with the Dam Safety Office for an emergency permit to remove the existing stop logs and wooden bridge. The pond was also lowered at the time as an interim condition.

The new project will replace the bridge, with the new stop log elevation at 244 feet. GZA is working to make the dam as historically and aesthetically pleasing as possible. There will be ornamental fencing along the wall. (Working with Historical Society and getting bids). Historical benches will be installed along the crest and there will be a part of the dam which is handicap accessible. Wooden stop logs will be used. A kiosk will be installed containing information about the walking trails in the area.

The Pond is currently in a lowered state. GZA is asking the Commission, if amenable; to further drain the pond so work could be completed at a lower cost, saving the Town money. If the Commission prefers not to drain the pond in its entirety, they would ask for the pond to be lowered a bit further. GZA would like for the Commission to work with and cooperate with the winning contractor of the project, especially in ensuring that the pond is kept reasonably low, especially during periods of rain. At some point during repairs, the water will need to be turned off in order to complete some of the work.

Estimate of how long the pond will be at lowest level? Overall construction of the dam should take between 8 to 12 weeks. Construction is planned to begin in August and run through Thanksgiving. If choose to drain pond, it would need to be for approximately 8 to 12 weeks. If the pond is drained, then there would be no need for a Cofferdam. Otherwise, if the Commission prefers not to drain the pond, it will definitely need to be lowered especially when resurfacing. Need to take into account weather.

Meister asked about the construction drawings. O'Cain responded that he does not anticipate many changes to get up to bid level. The scope of work would not change. The contractor will need an area to store equipment and perhaps a soil pile for temporary storage. It is anticipated that traffic on Ames Street shall remain 2 ways for 90 percent of the project. There will be a minimum of one lane open at all times.

Proposed dimensions of the spillway area are the same as what is currently there. The project is just an upgrade with concrete and new board support. There is no change in the dimensions. The wall is being rebuilt at the same site.

The cost of the Cofferdam is approximately \$15,000 to \$20,000. The building drawings will contain specifications including anticipated sequence of events. Contractor will be required to submit a schedule, anticipating what is already on the drawings.

Motion to close hearing

Cremer, Orel 5-0-0

Orders per plan: notification to office prior to work. Any changes to the plan must be referred to the office. The geometry of the dam is not changing.

Issuance of Order of Conditions

Weestman, Orel 5-0-0

8:20PM – RDA: Columbia Gas, Gas Main Replacement, Moosehill Parkway

Chris Sanderson, Representative of Merrill Engineers

Gas main replacement at Moosehill Parkway. The gas mains are being replaced due to the age of the pipes and a concern with the pipes leaking. The current pipes are being replaced with 3 inch plastic. Erosion controls will be put in place prior to start of the project. A trench method will be used for replacement. This project is in a more sensitive area than East Street replacement, however, same measures as East Street replacement will be taking place. Only residents of Moosehill Parkway will be serviced with this replacement. This is a smaller main than East Street. Work will begin as soon as all permits have been granted.

Motion to close

Geller, Cremer 5-0-0

Issue Negative Determination

Office to be notified prior to beginning work.

Geller, Cremer 5-0-0

8:30 PM – Enforcement Action: 635 Old Post Road

Eric Dias, Dias and Tunison, representative of Landmark

This project began a few weeks ago with tree clearing. The area was staked; however, the tree contractor went past the staked area and went into the wetlands. Meister visited the site and asked the contractor to stop all work. A restoration plan is being developed by the Developer, Diamond Builders. It was hoped that prior to Thursdays meeting a representative of Diamond Builders would be able to walk the area with Meister and to review the proposed restoration plan. Unfortunately, this meeting did not take place, so this is the first Meister is seeing of the plan. The Diamond Builders has come in tonight to discuss the plan with Commission, and will formally present at the next meeting when the plan is more complete.

All work at the site has been stopped. Hand clearing has been done. Contractor has installed erosion controls. The original plan had installation of the erosion control measures installed after the trees had been cut, but due to the contractor going into the wetlands; it has been decided to install the erosion controls now to prevent further problems.

Thirty three (33) trees were cut down beyond the approved limit of clearing, 9 of which were located within the wetland.

Tree types consisted of Red Maple, Norther White Oak, Eastern White Pine, and Canadian Hemlock. Developer is planning to leave the stumps in place and is proposing to replant 28 trees. There was not a lot of damage to the shrub area, so they are not

planning to replant that type of vegetation. They are also not planning to replant within the wetland area.

A Commission member asked the cost to replant the trees. Dias responded that the cost is estimated to be approximately \$8,000 to \$10,000 with a replacement of 2.5-inch DPH trees.

Orel mentioned that someone is responsible for the tree cutting within the wetland area. Diamond Builders is the Developer, and they hired and are responsible for the actions of the tree cutters. Though Diamond Builders has acknowledged it is their responsibility, Orel feels that the violation is egregious in nature. She is thankful that a representative of the Developer is here tonight, however, she would like to know where the tree cutters are from and who they are. She and other members also believe that replacement of trees cut with a 2.5-inch replacement is unacceptable. Many of the trees removed were 6 inches plus, therefore, it is believed that a 4-inch DPH would be more appropriate.

Dias distributed a plan to the members showing what trees were cut and what is being planned to be replanted. Dias would like comments from the members before proceeding with a finalized plan. It is the Developers' intention to replant as soon as possible as we are now in the growing season. Dias will also meet with Meister to review more fully.

Meister would like to reserve the right to have some trees replanted within the wetlands; perhaps a wetland species that would be located within the wetlands instead of planting everything within the buffer.

Meister was surprised that Dmitry, the Developer, was not here tonight. Dias explained that he had a previous commitment, but assured Commission members that he is committed to the project, and wishes to rectify what had been done. There will be a project manager onsite at all times moving forward.

Dias asked Commission if it would be OK, since they have come into compliance, if they could begin work again. Meister explained that normally, he would have no problem once a contractor came into compliance, however; in this case, the violation was so egregious, that he would like a final restoration plan prior to any work proceeding. The Commission will be meeting again on April 21st. Included in this plan should be the trees that will be replanted, as well as shrubbery.

Geller asked Dias if there was an advantage to the Developer by cutting down the trees in the buffer and wetlands, or if it was a mistake. Dias explained that there was no advantage, that it was a costly mistake and has slowed down the development. Geller believes that it was a mistake, that there was no nefarious attempt to gain anything, and that in the end, the developer will incur substantial restoration expenses.

Orel understands that mistakes are made, however 28 mature trees were cut down within the buffer and wetland area and that it is the Commissions responsibility to ensure that

this type of mistake does not happen in the future and that there should be repercussions to the Developer.

Abutter, John Lee believes that the cutting of the trees is a big deal. This development is designed as a 40B on a 5acre site, with 66 proposed units, leaving no room for errors. As a 40B, many existing regulations have been waived, and for the trees to be cut within the buffer and wetlands, is unacceptable. Lee believes that trees should be replanted both within the buffer as well as the wetlands. Shrubbery should also be replanted. He is also concerned, as this is the first phase of the project, and the Developer is not off to a good start. He believes that no work should be performed until the Developer comes back to the Commission with a final restoration plan.

Abutter, Drew Delaney mentioned that equipment was dropped off at the site on March first. The required signage from DEP was not put up until March 17th. He believes that the Developer is over his head, and that they need to be held accountable for the cutting of the trees in the buffer and wetlands and it is up to the Commission to set the tone for those who work within the Town; that there are repercussions for clearing within buffer zones and wetlands; whether intentionally or accidentally.

There was a brief discussion among the members whether work can continue while the Developer finalizes a restoration plan. Meister will meet with Developer to review. Meister has not been impressed with the work and compliance of the Developer to date. There have been a few issues regarding the project. While he does not believe a developer should be penalized beyond reason, especially if they come into compliance, in this case, he believes the violation is egregious enough to warrant waiting until the Commission meets again on April 21st before any work is done at the site. At that time, if agreed upon by Commission members, Meister is prepared to allow all work to resume at the site.

Motion to delay work on site until the meeting of April 21st, and a determination is made.
Cremer, Orel 4-0-1

Meister will arrange a site meeting with developer. Developer will meet with Commission on April 21st at 8pm.

Approval of meeting minutes March 31, 2016

Page 2, under Spectra heading, replace the word large with “a number”
Page 3. Next meeting should be April 7th.

Motion to accept minutes as amended
Keevin, Orel 3-0-2

Members signed vouchers

Other Business:

Conservation Guidelines

Arguimbau made the suggested corrections and changes to the guidelines, including putting the employee section under the Personnel Board. Would like the Commission to accept the Guidelines at the next meeting.

Planning Board

Ben Pinkowitz , Chair of Planning Board introduced himself to the Commission members. He informed Commission members that a subcommittee had been created to work on a master plan for the Town. There will be a meeting on Thursday, April 28th and Commission members are invited to attend. An email will be sent out notifying members of this meeting. Pinkowitz mentioned that although there have been many studies prepared for the Town, there has never been a master plan. Would like assistance and input from all boards as to what they have worked on.

Board of Health

Meister went to a variance request hearing for a proposed variance request of depth to groundwater (71R Glenview) for installation of a septic system for new construction. He is very concerned by the actions of the Board of Health with respect to the vote on this request to deny (BOH voted 3-2). Had the BOH voted in favor of the variance, it would have been precedent setting with the potential of future repercussions from similar requests. Meister is disappointed in the BOH and believes that they do not understand potential implications of granting a depth to groundwater variance on new construction and what it would mean for the Town. Possibly put this as an agenda item in May. The question was raised as to how to educate other boards and their members on regulations which have an impact on conservation.

Meister mentioned that Paul Lauenstein did not get reappointed to Water Commission. Paul was an advocate for groundwater protection.

Motion to go into executive session
Westman, Geller

Cremer - Aye
Westman - Aye
Geller - Aye
Orel - Aye
Arguimbau - Aye

Will adjourn meeting upon completion of executive session.

Regular Session adjourned to Executive Session at 9:15pm.