

Conservation Commission Meeting  
Sharon Community Center  
January 23, 2014

Peg Arguimbau, Chairperson, Christine Turnbull, Keevin Geller, Elizabeth McGrath Stephen Cremer, and Linda Orel were the members present. The Conservation Administrator, Greg Meister, was also present.

**7:45pm Edward & Susan Gooltz, 189 Massapoag Ave  
DEP File #SE 280-0553**

Commission would like to come to closure on the deck, which was built without the Commissions approval. Upon building the deck, the homeowner was issued a violation notice. An after the fact Notice of Intent has been filed with the State to which a file number was given. The project was also reviewed by Heritage. and approval for the work already completed was approved.

According to Meister, there are 3 separate violations: 1) Clearing of the land 2) installation of piers and 3) building of the deck. There was a lengthy time frame between violations and for simplicity, the fine was assessed for the last violation, building of the deck, a period of time estimated to be approximately 3 days. The fine was set at \$50 per day for a total of \$150.

Commission member Orel expressed her concern with residents who live near or around the lake. It is very important that those residents who live close to or around the lake be aware of their proximity to wetlands, and that any homeowner interested in building or improving their residences should first consult with the Conservation Commission. With respect to fine imposed on this project, there is a cumulative affect and the potential violation of violating a State act could have involved a huge fine.

If in agreement, move forward with the proposed fine. Check payable to the Town of Sharon. The Commission will fill out an Order of Conditions reflecting what is there.

Orel expressed her concern that this fine is small enough that it will not serve as a deterrent to others moving forward. It is her opinion that the fine imposed is quite small, in fact, almost negligible and she would like to make sure that moving forward the Commission would undertake an educational campaign. Property owners around the lake should be aware that all development is prohibited until they first meet with the Commission.

According to Meister, the Commissions fine structure should be reviewed. The fines as they are now are pretty old.

**Motion:** To levy a \$50 fine for 3 days violation (\$150). Property located at 189 Massapoag Ave, DEP SE# 280-0553. The Order of Conditions will be issued reflecting the work which has already been done.

Geller, McGrath 6-0-0.

Voucher passed around for signatures

**Approval of December 19 meeting minutes**

Cremer, Orel 5-0-1

**Approval of January 9 meeting minutes**

Geller, Cremer 5-0-1

**8:00pm Abbreviated Notice of Resource Area Delineation (ANRAD)**

Applicant requested a continuance of hearing.

Hearing was opened and continued to February 6, 2014

Motion to continue to Feb 6 at 8:30pm

Cremer, Geller 5-0-0

**8:15pm 66 Morse Street, Continuance of Hearing,**

Frank Gallagher, the Engineer for DKW Builders, representing the builder.

Gallagher explained that the September meeting with the Conservation Commission (Commission) was running concurrently with the Board of Health (BOH). There were concerns with the project from both BOH members as well as neighbors of the proposed project. After careful consideration, Developer decided that the best course of action would be to rehab the existing home as well as designing/install a new septic system. Gallagher presented the new septic plans to the Commission. Developer is proposing to leave the driveway as is. There is a lot of ledge on the property. The home itself is surrounded by ledge. Soil testing was performed in an area outside the 50-foot buffer zone, but within 100-feet of the wetlands. The two holes passed the perc test. Developer will need to go back to the BOH as this location is within the 100-foot buffer zone, which does not meet the Town Standards for setbacks (it does meet the States standards). Since the installation of the septic system falls within the 100-foot buffer zone, the project needs the approval of the Commission.

The existing tank and leaching field are located behind the home. Based on information obtained, the existing leaching field is less than 50-feet from wetlands. The developer plans on abandoning that leaching field, cutting off the pipes. The planned septic system will include a 1500gallon, 2-compartment tank with a pump chamber. This system will pump out to the leaching field. The distance of the pumping chamber to the leaching field is approximately 200-feet. The new plan for the home is to keep the home as a 2 bedroom. The septic however will be designed for a 3 bedroom. It is recommended (Title V) when designing a septic system, to design as a minimum, for a 3 bedroom. The developer will be meeting with the BOH who can require a deed restriction on the home to remain as a 2 bedroom. There will be emergency storage in pump chamber in case there is a power outage. The designed system has about 2 days extra capacity in case of power outage.

Gallagher proceeded to answer questions posed at the September meeting:

- Comparison of square footage of new home to existing home.
  - Irrelevant. Will not be building a new home, rehabbing existing home
- Sequence of construction.
  - Developer is proposing to set erosion controls, clearing, stumping, then installation of septic system, finish grading, loam and seed, then remove silting.
- Concern about blasting on the site.
  - Will not be doing blasting now.
- Show ledge on site
  - Ledge is noted on the revised plans. Has a kind of cross hatch with label.
- Estimated number of trees to be removed.
  - Not more than 50 trees will be removed, within haybale. There are some mature trees, but pretty much spaced out in the upland area.
- Show a profile from street to house and beyond.
  - Pertained to new home construction.
- Limit of blasting is not issue anymore.
- Wetland drains towards Morse Street. Headwall and culvert with catch basin on either side of Morse Street. This information has been added to the revised plan.
- Shaded marked up area near manhole is the driveway.
  - Erosion control showed along edge of driveway even though no proposed construction at the driveway.

Concern of abutters is that the culverts are clear during the time the site is being worked on. This should be put on Order of Conditions. Developer to make sure that road drainage is not blocked. Culverts are to be checked during the course of work.

Move to close hearing and issue Order of Conditions relevant to the revised plan.  
Checking culvert line and lack of grading, except for leaching field

**Motion to close hearing:**

Cremer, McGrath 6-0-0

**Motion to issue Order of Conditions** with note about clearing of drainage lines, work lines (siltation) installed and reviewed by Conservation Administrator before start of project, decision of dbox needs to happen, and also feed back from the BOH once determine exact number of bedrooms. Should BOH determine smaller septic system, applicant to provide this information to the Commission.

McGrath, Orel 6-0-0

**8:30pm 11 Deerfield Road**

Continuation of violation

Property is located off of Bay Road. The back lawn was cleared.

Taylor Nevins, of Nover-Armstrong, LLC representing the Hei Weung

Submitted an after the Fact Notice of Intent. They are in front of the Commission with a restoration plan that they hope to begin work on in late spring.

Restoration plan details include bringing in approximately 6 inches of soil to cover the wetland and buffer area that was excavated. The soil will be seeded with native wetland seed mix and upland seed mix. Plantings will include Red Maple and Hybrid Blueberry Bushes. These will be planted in clusters. The goal is to restore the area back to vegetation and ground cover.

A request by the Commission that a site visit between the Conservation Administrator and Nover-Armstrong/Contractor takes place prior to work beginning. Nover-Armstrong informed the Commission that they would be performing the monitoring and will submit reports to the Commission. They will also be overseeing the contractor who will perform the necessary work. All procedures as outlined by the Commission will be followed.

There was a recommendation that the hearing should be closed with work pending. There is no need for the homeowner to return, and a representative from Nover Armstrong should contact the office prior to restoration beginning.

A fine for the violation will need to be imposed. Upon receipt of violation notice, the homeowner stopped work immediately. A question arose as to who was responsible? The answer being that ultimately, it was the homeowner's responsibility. Need to resolve the enforcement issue. There is a need to do an enforcement that is fair and meaningful. Not acceptable to alter wetland. It will take a very long time for the wetland to return to its natural state.

The Commission decided that this discussion could take place at a later date. Fining should be listed within the Order of Conditions, with mention that a Certificate of Compliance shall not be issued until work is completed and the fine is paid. Typically there is mitigation plus fine.

Move to close hearing, will revisit fining as move into spring. The Commission will take into account the cost to restore to wetlands. The office will be contacted when a cost estimate is received for the work and when restoration will begin.

**Motion to close hearing. Orel, Geller 6-0-0**

**Lake update:**

Betsy McGrath, Peg Arguimbau and Greg Meister represented the Conservation Commission. Chief Bernstein, Amanda Levesseur, Recreation Director, Gary Bluestein, Rec Advisory, William Fowler, Finance Director and Ben Puritz, Town Administrator were also in attendance. Selectman Joe Roach, and Mitch Blaustein of Rec Advisory came late to the meeting.

Orel asked if there was anyone from Lake Management at the meeting. Arguimbau responded: “as this meeting was not regulatory, there was no need for someone from that committee to be present.”

Overall, the meeting went well. City hall systems sticker was supposed to meet with Recreation and Finance yesterday, but due to weather, the meeting did not take place. Per Chief Bernstein’s recommendation a sticker will be placed on both the boat and car. Not on the trailer. With respect to pricing, the Rec Advisory came up with a system for trailer vs non-trailer motor craft.

There was lengthy discussion regarding personnel coverage for the lake. Chief Bernstein recommendation is for fully staffed coverage of the beachfront until dusk. He maintains a better setting for all users and that it would cut down on issues his department sees after hours. The issue however comes down to money, approximately an additional \$19K for the season. Other issues discussed were insurance liability. If lake was only partially staffed, there could be an issue of whether the Town would be at further risk? There was discussion of whether to have staff leave and just employ a gate person. Levesseur will further research this option.

With respect to boat/trailer stickers, this falls mainly under the Recreation Departments purview. There was discussion as to how much passes will cost. The beach pass rate has already been set. The Rec Advisory still needs to set the boat launch pass rate. In order to determine the cost, the boating issues need to be resolved. For this year, the best plan may not be in place, but working to set up for the following year. Not sure what will be available for the pre-season. Perhaps a volunteer?

Conservations role is looking at how to protect the lake. Discussion got into larger issues, beyond lake protection.

There was good news from the State. A person will come out and train staff (volunteers, paid, and any other persons who will monitor the boat launch area). If the Policy is lake is a source of invasives, then the policy should be that all weeds should be removed from trailers, propellers, boats, anchor lines, etc... It is important to educate the public as will help with boaters removing weeds from their boats/trailers/lines.

Without a washing station, weeds need to be pulled off. State indicated washing more for zebra mussels that the Lake does not seem to be a breeding ground for. There should be signage that includes where weeds can be found on trailers/boats/lines, as well as a receptacle were boat owners can dispose of weeds pulled.

This system may not be perfect, but it is important to get something going sooner rather than later. There was also a discussion regarding a title change from Harbor Master to a Park Ranger with talk about setting up a supervisory chain. The current hours in season the beach is to be monitored is 10am to 6pm. Perhaps need to look for folks from 5am – 10am and 6pm to dusk. The fees received from the sale of boat launch passes will help offset the cost of paying for staff.

Enforcement by police – the lake will be staffed from 10am to 6pm (or possibly dusk). Bernstein was adamant that there would be no one sitting at the beach area while the beach was open. He was not negative about driving through after hours.

Multiple agencies hold stakeholder positions with the Lake. At present, the Recreation Department is responsible for collecting funds for the sale of beach/boat passes, arranges for beachfront staff and perhaps over time will take on a larger role. The Conservation Commissions role is to protect the Lake.

The Lake Steering group felt that a large public meeting is necessary. A person from the State will present on the weeds. (The person from the State will also have educational material they will give us). An agenda will be prepared with full boards (Rec Advisory, Conservation Commission and Board of Selectman) attending and explaining what events led to the creation of this committee. Camp Wonderland, Camp Everwood, Lake Management, The Yacht Club as well as the general public will all be invited to this meeting with cable tapping. The public meeting has been set for March 27<sup>th</sup>. Another smaller meeting will be held in February in which the Rec Advisory will have a set cost for the boat launch fee as well as possible hours this program will run. The group is also aware that this program can not run entirely on fees and will be discussed at future meetings.

The issue of Jet skis still needs to be addressed. Perhaps a joint article with the Board of Selectman? Puritz will look into this. Perhaps have Town Counsel look into the regulatory aspect. What have other towns done with respect to banning? According to the State, a town can regulate horsepower, however the older jet skis are under 60hp, while the new models tend to be greater than 60hp. This would not be effective for us. The issue with Jet Skis is that they harbor Asian clams as up to one gallon of water remains in the jet skis.

Fining: There is State law regarding the transport of weeds. The Police can enforce this and issue tickets up to \$5K.

Other issues surrounding the boat launch area. High school kids are parking at boat launch. Boat launch passes have been purchased for which the high school kids are using to park at the boat launch. Currently boat stickers run from May to May. There is discussion to change this with issuance of boat stickers to run from January to December. There was discussion with possibly opening up parking spaces within the lake (located near the boat launch).

Next Conservation Commission meeting is scheduled for February 6<sup>th</sup> and March 6<sup>th</sup>.

Move to adjourn

Cremer, Orel 6-0-0

Meeting adjourned at 9:30pm