

Conservation Commission Meeting
Sharon Community Center
February 6, 2014

Peg Arguimbau, Chairperson, Christine Turnbull, Elizabeth McGrath, Stephen Cremer, and Linda Orel were the members present. Keevin Geller was not present. The Conservation Administrator, Greg Meister, was also present.

7:45pm Request for Determination of Applicability (RDA)

Dominic and Julianne Grew, 44 Harding Street

Hagit Levy was in front of the Commission representing the homeowners. She explained that most of the property is within the 100 foot buffer zone. The proposal being put forth is to raise the roof five feet to accommodate 2 bedrooms upstairs. Two bedrooms from the first floor will then be converted into a kitchen. A Commission member asked where the wetlands were relative to the lot. Levy explained they were just outside the property line. For all work being proposed, the work crews will access the work area from the road. The proposed addition is located at the front end of the home.

The current home is a 3bedroom, 2bathroom home. Two bedrooms will be added to the second floor along with a third bathroom. The master bedroom will remain downstairs. The homeowner has met with the Zoning Board who approved the design plan.

Motion to issue a Negative Determination with conditions: No debris to be thrown over the fence. Access to worksite shall be from the road only. Debris shall be removed from the property. McGrath, Turnbull 5-0-0

8:00pm Request for Determination of Applicability (RDA)

MassDot – Route 1

Tom McGuire representing MassDOT. District Environmental Engineer.

He is presenting two RDA's to the Commission. MassDOT is beginning a new 5 year cycle which includes a new Vegetation Management Plan (VMP) for the period: 2014-2018. MassDOT has begun the process of refileing with Conservation Commissions where they plan to spray herbicides. They are looking for a Negative Determination so that they will be able to begin work in the spring.

The work will consist of selectively applying herbicides along Route 1 in Sharon from the southern Walpole town line northerly to the northern Walpole town line in order to control the growth of unwanted vegetation. The proposed work involves the use of herbicides' to control weed growth directly beneath the guardrail, within crevices between pavement and curbing or edging, within joints between and under jersey barriers, and around sign posts. According to McGuire, approximately 94% of the VMP will be done by mechanical methods such as mowing, hand cutting and selective trimming. Approximately 1% of the VMP will require use of chemical application (herbicides). MassDOT prefers the Foliar Treatment method, utilizing post-emergent, low volume, low pressure herbicide applications only. All herbicides used by MassDOT have been researched, tested, and approved by the Department of Agricultural Resources

in cooperation with the Department of Environmental Protection for use in “Sensitive Areas”.

USGS maps were presented to Commission members showing the vegetation management plans, outlining where both methods (mechanical and herbicide application) would take place. McGuire emphasized that MassDOT is cognizant of wetland sensitive areas, that the Vegetation Management Plan is governed by the Wetlands Protection Act as well as the Department of Agricultural Resources (D.A.R.) Rights of Way Management (found at 333 Code of Mass Regs 11.00).

This program is strictly overseen. MassDOT sends out their own people to go with the contractors. Detailed no spray sketches are used helping to ensure that contractors spray only where they are supposed to spray. This program is limited, meaning that spraying only occurs once per year.

A Commission member inquired as to whether any analysis as to alternatives to spraying had been done. According to McGuire, there has been research. A high pressure high steam system has been looked into, however, it was found that although initially it worked, by the end of the season weeds were back.

It is MassDOTs policy that they do not spray within in any wetland areas. MassDOT uses a low pressure spray which is highly directed from nozzles in the truck. Spraying does not occur when windy. They also do not spray 4 hours prior to rain (if it is forecast) or 4 hours after it has rained.

The RDA filing with the Commission becomes part of the Vegetation Management Plan, and thereafter, the Yearly Operations Plan. Both the Commission and the Board of Selectman will be notified when approval from Mass DAR is received. A Negative Determination from the Commission is needed for approval.

Motion to close hearing on Route 1 RDA

Cremer, McGrath 4-0-1

Negative determination issued. Amend sheet 6 of 12 on south bound side just above zone 2 line to bring the no spray zone parallel to the guardrail.

There are 2 different roadways. Take inside no spray zone, don't spray until they get to the most southern bound guardrail. Extend northerly on southbound roadway protecting water brook area. McGuire will update plans to reflect changes requested by the Commission and re-submit.

Turnbull would like for MassDOT to prove that this is the only course of action. Although she understands something needs to be done, she would like to know if other options have been looked at.

Cremer recommends that on plans, the guardrails be printed in black ink. Currently the wetland delineations and streams are marked in blue. Red is used for roads and wetlands which makes interpretation confusing.

Motion to issue Negative Determination with attached amendment - sheet 6 of 12 on extension of no spray zone. McGrath, Cremer 4-0-1

(Need to look at Route 95 sheet 20 of Route 95 filing. Changes should be made on Route 95 filing - no spray area on sheet 20.

8:15pm Request for Determination of Applicability (RDA)

MassDot – Route 95

He is presenting two RDA's to the Commission. MassDOT is beginning a new 5 year cycle which includes a new Vegetation Management Plan (VMP) for the period: 2014-2018. MassDOT has begun the process of refileing with Conservation Commissions where they plan to spray herbicides. They are looking for a Negative Determination so that they will be able to begin work in the spring.

The work will consist of selectively applying herbicides along Route 95 in Sharon from the Foxboro town line northerly to the Walpole town line and from the Norwood town line to the Canton town line in order to control the growth of unwanted vegetation. The proposed work involves the use of herbicides' to control weed growth directly beneath the guardrail, within crevices between pavement and curbing or edging, within joints between and under jersey barriers, and around sign posts. According to McGuire, approximately 94% of the VMP will be done by mechanical methods such as mowing, hand cutting and selective trimming. Approximately 1% of the VMP will require use of chemical application (herbicides). MassDOT prefers the Foliar Treatment method, utilizing post-emergent, low volume, low pressure herbicide applications only. All herbicides used by MassDOT have been researched, tested, and approved by the Department of Agricultural Resources in cooperation with the Department of Environmental Protection for use in "Sensitive Areas".

USGS maps were presented to Commission members showing the vegetation management plans, outlining where both methods (mechanical and herbicide application) would take place. McGuire emphasized that MassDOT is cognizant of wetland sensitive areas, that the Vegetation Management Plan is governed by the Wetlands Protection Act as well as the Department of Agricultural Resources (D.A.R.) Rights of Way Management (found at 333 Code of Mass Regs 11.00).

This program is strictly overseen. MassDOT sends out their own people to go with the contractors. Detailed no spray sketches are used helping to ensure that contractors spray only where they are supposed to spray. This program is limited, and this area of the highway is a very sensitive area, located within zone 2 meaning sprayed every other year. (this year will not be sprayed).

Motion to close hearing, Orel, McGrath 4-0-1

Negative Determination issued for Route 95 interchange filing. Add Route 1 change (no spray area) so the program will match the changes made to Route 1 sheets.

Motion to close hearing for route 95. orel, mcgrath 5-0-1

Negative Determination issued for Route 95 interchange filing.
Mcgrath, Orel 4-0-1

8:30pm Abbreviated Notice of Resource Area Delineation (ANRAD)

Tuinison Dias, Inc. & Dimetry Deych

595 and 635 off Old Post Road DEP #SE 280-0556

Hearing was opened at last meeting. Mr. Tuinisan and Mr. Dias were at the meeting presenting. Upon filing an ANRAD, they met with Meister at the site. Meister informed Tuinisan and Dias that the site had previously been delineated. Tuinisan and Dias decided then to use the original line which the Commission had approved several years ago.

The project is located adjacent to one of the fairways of Walpole Golf Club. Fairway 16. Total acreage of part of property they would like to develop is approximately 5 acres. The entire property is approximately 20 acres. At this time they are only looking at the five acres.

They are still working the project concept and will be involved as the project moves forward. Compared to what has been presented in the past, this will be a community friendly project. To date they have received positive feedback from the community. Abutters have been notified and green cards have been returned.

Motion to close hearing Cremer, Turnbull 5-0-0

Motion to accept line delineated on the plan. Orel, McGrath 5-0-0

8:45pm - Notice of Intent, 150 Norwood Street DEP SE# 280-0557

Lucas from Piling Engineering, representing the Developer. This site has been around for along time. In 2005 a NOI was filed. This is a very difficult site, and no one has ever finished. The home site is at a high elevation, almost 80 feet. Due to the high elevation, a lot of work was done putting in the driveway. The applicant, Diamond Builders, are currently finishing up lot 2. The driveway was cut in years ago. Overtime, erosion has been going on. There are silt fence lines but not working too well. It is the goal of Diamond Builders to fix and clean up the site. They are looking to bring in swale and pipes. This is all outside the buffer zone, but it is important to the developer that this site is cleaned up.

What should the process be regarding this site? At what point will driveway be put in? Can the driveway be put in first? Upon completion of the driveway, can stabilization begin? (driveway and slope). A sequence should be established and included on plans.

Currently there are some notes reflecting changes on the plans, but should it be a construction sequence or a maintenance plan? When work begins at the site within the buffer zone, discussion will be required as to how that will occur. At the moment, Commission is looking for stabilization and construction sequence for cleaning up. It is recommended that Builder thinks about putting the driveway in first. Commission asked for Builder to come to the next meeting, February 20th at 8:15pm with perhaps a maintenance plan and decision regarding the driveway. Builder should contact the office if they need to meet with Meister for site review.

Piling has left 3 plans for our records with revision notes.

Motion to continue unless applicant phones to change
McGrath, Orel, 5-0-0

Lake Update - The next lake meeting is scheduled for February 27th.

Approval of January 23 meeting minutes
189 Massapoag Ave.
Change “fines are old” to *as they are outdated*.

Page 3. Third bullet down. Concern about blasting... take out the word “now”

Second paragraph of lake management. Take - *Was only for regulatory boards and lake management has no regulatory powers or enforcement* – out of quotes.

Motion to accept minutes as amended, Orel, Cremer 5-0-0

Motion to enter into exec session for purposes of land negotiations per phone conversation. Meeting will be adjourned at the end of executive session.
Cremer, McGrath

Roll call: McGrath – Yea, Turnbull – Yea, Cremer - Yea, Arguimbau - Yea, Orel – Yea

Conservation Commission Meeting
Sharon Community Center
Executive Session Meeting Minutes
February 6, 2014 - DRAFT

Follow up from meeting with TPL and Lapointe's suggestion about having Heritage come to Sharon to discuss Rattlesnake Hill.

Meister emailed Attorney Gellerman with possible dates for meeting and said he would be in touch with Selectman Heitin. A follow up email was sent to Gellerman. As of this week Meister had still not heard from Gellerman. A phone call was made to Gellerman's office. Gellerman explained to Meister that the attorney for Brickstone thought it was not a good time to meet with Heritage. In the meantime, Heritage wrote a letter to Brickstone asking if they would meet with them.

Gellerman informed Greg that it is not a good time to meet. It is premature as developer is not sure if there will be 3 or 4 bedrooms and where the ball fields will go.

Meister explained to Gellerman the meeting, from the Commission point of view, was more about the scope of the project. Gellerman told Meister he would phone Heitin and get back to him. After speaking with Heitin, in a joint decision, they have determined that a meeting would compromise the Town's negotiating position, therefore, they will not meet with Heritage at this time. In the meantime, a conceptual plan of Rattlesnake Hill landed on the Town Engineer's desk.

\$3 million dollars from the CPC have been set aside for purchase of part of Rattlesnake Hill. This money being spent must be justified. An appraiser has been chosen by the Town to value the land, but it is the opinion of Meister that the appraiser will give the BOS the numbers they are looking for. The conceptual plan as laid out encompasses approximately 100 acres. The plan is for a conventional and flexible development. 29 units on lower end of Mountain Street, near the land the Town is supposed to get. Not sure what they were using as they developed the plan: Several houses were placed within the 100 foot buffer zone. What was the appraisal based on? Brickstone is meeting with BOS this evening. O'Cain wrote a memo to the BOS describing what he noticed on the plan, specifically, several homes within the buffer zone. According to Meister, the math does not add up. When Heitin was questioned about the plan, his response was it does not make a difference as it is not a 40B.

Meister recommends inviting Heritage to come in and speak with Commission. Would like to know what would happen if the developer were to propose a 40B. Meister would like to get a better understanding of where Heritage stands on this project.

Orel asked if Commission could get an appraisal. According to Meister, an appraisal is quite pricey. Most likely the cost would be \$7,000 dollars. She is concerned about Heitin's motifs. Potential business for Heitin down the line? 40B is a scare tactic.

Important for an independent appraisal. She also questioned why the Commission is the last to know what is going on. Even the Board of Health has Brickstone coming into meet with them.

What wetland lines are being used? Are the lines outdated or are they still valid? It is believed the lines are more than 3 years old. Perhaps someone from Borderland may be interested in making RSH a part of them.

Orel – what can be done legally to slow the process down? Can a wetland delineation be asked for? Appraisal? Meeting with Heritage? Whatever powers the Commission has should be used.

It may be too expensive for an appraisal, but Heritage could be invited to come in and speak with Commission. In terms of stalling, perhaps get both Brickstone and Heitin to come in so that the Commission could ask questions. Could other Boards who have concerns also request to speak with Heitin and Gellerman?

CPC monies - \$3 million, although to date no plan has been presented.

Commission should request Brickstone come to a meeting (with plans). Perhaps ask Heritage to come to the same meeting? Also invite Heitin and Gellerman.

Money - \$3 million from CPC to purchase open space. What about borrowing off of future CPC funds? How to do that? What money is Brickstone looking to get? A land donation would net them a tax deduction. It is believed that Heitin et al... have already strategized this – for the Town to pay as little as possible with getting what they want back.

There are two \$400,000 dollar grants available. The Town should be able to get those. People know about RSH. Maybe \$1 million from DCR and another million from Fish and Game? This needs to be worked on.

Fire station is going out there. Ball fields are huge. Something came up about swapping. Open space committee, what do they have to say.

Heritage first. Can commission write a memo to BOS taking a position? According to Heritage, this is probably not the right thing to do at this time. Need details first. Hear them then respond.

Whatever development will have to go through full permitting process. They are taking a good line. How can they sit there? Gellerman too.....