

Conservation Commission Meeting  
Sharon Community Center  
May 1, 2014

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

**7:45pm Proposed Development on Rattlesnake Hill**

Attorney Gellerman was present to answer questions related to proposed Development Agreement and Amendments for Rattlesnake Hill Project. Two concerns were raised at a prior Commission meeting:

- 1) Concern of residents along Coach Lane with shallow wells about possible contamination from proposed wastewater treatment facility. The Developer has agreed to put into escrow \$113,000 to hook up residents on Coach Lane at a later date if needed. This would be at the Town's discretion and could be exercised anytime up to four years after the 30<sup>th</sup> occupancy permit has been issued. The water line would run from the treatment facility up to Mr. Apse's property. The Town would need to seek an easement from Mr. Apse or subsequent property owner. If property owner declines, a line could be run around the property, however the preference would be for an easement. If the Town so chooses, the Town would have the authority to take an easement, but only with appropriation and a 2/3<sup>rd</sup> vote at Town Meeting.
- 2) Concern was raised about the zoning tying directly into the Development Agreement. This is addressed in the second Amendment, which states: if any amendments, which relieve the developer of any material obligations, those changes will require town meeting approval. (Requires a majority vote)

Developer met with Planning Board last night and the planning board voted 3 – 1 in favor of zoning article with exclusion of provision that creates a 100 foot buffer zone from municipal building to nearest boundary of residential lot.

Water line hook up for Coach Lane. This is at the Town's discretion, is not triggered by anything, and can be done at any time.

A question was raised with the requirement of a 2/3<sup>rd</sup> vote vs a majority vote at Town meeting with respect to taking of easement. According to Attorney Gellerman, this is the statute for an eminent domain taking.

Mr. Apse, abutter to the project, is less than pleased that he was not informed nor consulted, in anyway, that his property would be part of Development Agreement. He also questioned why only Coach Lane would receive water hook ups? There are others in close proximity to the project that may also be affected.

The engineer for the project, Frank Holmes does not anticipate any impact to other locations beyond Coach Lane. Boulder Lane is upwards of the property, which will make it unlikely that those wells would be affected and further, the discharge from the wastewater treatment facility will meet drinking water standards.

According to Mr. Apse, wastewater tends to filter into the ground and flows underground, which in his opinion, means that Boulder Lane can be impacted. According to Mr. Holmes, groundwater flow follows the topography of the land, which on maps shows that the flow is towards Coach Lane, not Boulder Lane.

Cheryl Weinstein, a butler to project is concerned why there is no protection to her neighbors on Bay Road. She mentioned that PCP was found less than a mile from her home.

Kyla Bennet is concerned about relying on the Town to exercise the option of putting in the water line as outlined in Amendment to Development Agreement. Additionally, she sees problems with what the monitoring wells are testing, or rather not testing for: PCP's, pesticides, etc ... For homeowners to test themselves would be very expensive.

According to Gellerman, should it be necessary to put in the water line, the Town will have the authority to extend it if it wishes so that some of the homes located on Bay Road would be able to connect.

Gellerman explained that a motion and a vote would need to be taken on:

- The Development Agreement
- First Amendment and
- Second Amendment.

By voting to accept the Development Agreement and Amendments, the Commission agrees to support the three articles before Town Meeting.

**Development Agreement: Motion to accept the Development Agreement between the Commission and Brickstone LLC. 3-2-0 (Westman not allowed to vote as he was not present at prior meetings between Commission and Developer)**

**Motion to accept the 1<sup>st</sup> amendment to Development Agreement. 3-2-0 (Westman not allowed to vote as was not present at prior meetings between Commission and Developer)**

**Motion to accept the 2<sup>nd</sup> amendment to Development Agreement. 3-2-0. (Westman not allowed to vote as was not present at prior meetings between Commission and Developer)**

Chair, Peg Arbuimbau, signs four copies of everything: Development Agreement, First Amendment, and Second Amendment.

### **6:30pm Shane Nestler, Discussion regarding the banning of Jet Skis**

Mr. Nestler was in front of the Commission to discuss the Commission's recent banning of the use of Jet Skis on the lake.

He provided the Commission with information he had gathered from different organizations and people he has spoken with over the past several weeks.

Nestler explained that he understands invasive's (he has a masters in Biology) But what he does not understand is how the Commission can say with certainty that Jet Skis were the source/cause of invasive's entering the lake. Live bait-wells, bilges, kayaks also hold water and could be the source of invasives entering the Lake.

A member of the Commission explained that through investigation and discussion with different people, and the location of where the Asian Clams were found that it was pretty clear that the source of the Asian Clams was most likely from Jet Skis. There are 3 Jet Skis housed along Massapoag Ave, where an abundance of Asian Clams was found.

It is only due to the prevailing winds off of Lake Massapoag, and the outlet near where the Asian Clams were found that we are very fortunate that the Clams were most likely killed off. Once Asian Clams are established, it is very difficult to eradicate.

The Commission understands that there are other possible avenues of introducing invasives into the Lake, but the Commission determined that Jet Skis and other jet propelled water craft were of great concern at this time and felt the need to ban through the Commission's authority, versus going to Town Meeting. Also, there was a timing issue if to go in front of Town Meeting. If it is found that live bait-wells, kayaks, etc.. is the source of continued introduction of invasives into the Lake, then additional measures will be taken.

A monitoring program has been developed in which all boats will be checked prior to entering the lake (bilges and live bait-wells emptied, lines and trailers checked, etc...) as well as leaving the Lake. It is the hope of the Commission that this measure, which will be put in place, will help curtail invasives from entering the Lake.

Concern of Commission is to protect the Lake as a natural resource as well as a water supply. There are limits as to what can be achieved with regulation and oversight, and the Commission felt that the banning of Jet Skis and other jet propelled water-craft was an appropriate action.

There was discussion with respect to lakefront property owners and allowing them to use Jet Skis, however it was determined that it would be difficult to monitor. Further, it was a lakefront owner who owned the Jet Skis suspected of introducing the Asian Clams into the lake.

According to Nestler and his source at WildlifeForever.org it is their opinion that Jet Skis are not anymore to blame for introducing invasives into bodies of water than other water craft.

A member of the audience mentioned that Jet Skis suck up from the bottom of the lake any vegetation and then the Jet Skis typically drive down the shoreline. Also, weeds spread through fragmentation of which it has been determined that Jet Skis do spread.

**Mr. Prashant – Use of Morse/Lakeview Street to play the sport of cricket.**

Mr. Prashant was in front of the Commission to discuss possible use of the field located off of Lakeview/Morse Street. He has a group comprised mainly of Sharon residents who play cricket. Due to the shortage of available fields in Town, he was hoping that they would be allowed to use the field on Lakeview/Morse Street.

According to the Conservation Administrator, it is not possible for Prashant's group to use that site. Once conservation lands get designated as such, then it cannot be used for field use, only open space preservation, walking trails, etc....

Prashant does not want to disrupt current recreation sports programs. He is currently working with Recreation Director to determine if there is a suitable place for his group to play.

Commission votes meeting minutes of April 3<sup>rd</sup> as presented. Cremer, McGrath, 4-0-1

Commission votes April 17<sup>th</sup> Minutes as amended:

Two spelling errors on the first page: Botanist and Toothcup.  
Motion to adjourn April 17<sup>th</sup> Meeting: Cremer, McGrath

Motion to accept April 17<sup>th</sup> meeting minutes as amended. Geller, Cremer 4-0-1

Next meeting Thursday, May 15<sup>th</sup>.

Agenda for next meeting will include Fred Bottomley and DPW (Watermains along Billings Street).

Conservation Agent Meister presented to the Commission information regarding dock permits. It is important that dock owners begin to apply for dock permits. Natural Heritage most likely will require a mussel survey. Meister is concerned about the cost to dock owners and is working with Natural Heritage so that perhaps 3 or 4 dock owners can apply for a dock permit at the same time and share in the cost of the survey. Reason of survey is to find areas within the lake of where pond mussels exist and where they do not. Depending upon the size of the area, a survey can run approximately \$7,000 dollars. Reason behind permitting of docks is to protect species within the lake and

compliance. More and more docks are going up and it is important that the docks are in compliance. Most owners are not aware that a permit is needed. Important to put information regarding dock permits up on the website. Perhaps send out a mailing as well. Meister will speak with gentleman in charge of permitting docks in this area as well as Natural Heritage for further input.

If sending out a mailing, perhaps include information about what work can and cannot be done within the buffer zone, and notification to Commission is important.

Cliff Towner and Meister arranged a meeting with Pat Huckery of the Division of Fish and Wildlife (Northeast Division). At the meeting Huckery explained and clarified what could and could not be done at the lake. There is overlapping jurisdiction of the Lake, which is considered a Great Pond. She was concerned with the fee structure voted on by the Selectman. State cannot support, as it is too excessive and unreasonable for a Great Pond. Highest in the state (both for residents and non-residents). Since Lake Massapoag is a Great Pond, certain things can and cannot be done. If State determines that cost is too high, Fowler is working on mechanism to refund those who have purchased passes.

There will probably be another task force meeting to deal with whatever may need to be done with monitoring. The intent of task force was to provide better monitoring and to prevent weeds from entering the Lake.

According to Meister, at some point a case will need to be made with respect to more investment in protecting the lake. If additional capital is needed important then that the different Town boards get together and discuss and most likely a political decision should be made. Meister does not seem to think the cost will be too high.

Fowler had put additional funds in budget to cover monitoring, but the Board of Selectman put a stop to the monitoring program the task force was recommending.

Motion to adjourn: Cremer, Geller, 5-0-0