Conservation Commission Meeting

Sharon Community Center

September 4, 2014 - DRAFT

Peg Arguimbau, Chairperson, Elizabeth McGrath, Meredith DeCarbonnel, Linda Orel, Alan Westman, were the members present. Stephen Cremer & Keevin Geller were absent from the meeting. The Conservation Administrator, Greg Meister, was also present.

**7:45 pm – Hearing Continuance, 232-264 Norwood Street**

**MooseHill Development Corp – Everett Street Paving**

**DEP File #SE280- should have soon**

Jeff Kane with L&L Engineering representing the client. Peer review consultant, Paul Brodmerkle was hired by the Commission to look at the calculations of the proposed project. Commission and Planning Board policies regarding stormwater policy were at odds and a middle ground was looked at. Changes were made by the developer to retain water on the lots which would match the pre-development rate. Homes would be re-designed to allow discharge of water from roof areas to flow into on-site drywells. Developer feels that with these changes the calculations come out closer to the pre-development calculations. In conversations with Conservation Administrator Meister, Meister prefers that the discharged water be treated prior to going into the adjacent brook and to treat as a cold water brook. Best management wet swale recommended by DEP for projects close to a cold water brook.

A meeting was held in late July. The size of pipes was discussed. The developer was able to reduce pipe size from 24” to 18” which allowed them to move further off the property line of Mass Audubon. The storm water regulations and the difference between the Planning Boards (PB) and those of the Commission were discussed as well as how both boards can come to an agreement on working together in improving the regulations.

Paul Brodmerkle, the Commissions drainage calculations consultant has not prepared a report, but will do so. He agreed that the PB does have new stormwater regulations which mirror those of the DEP and that regulations for both the PB & Conservation are both good, though each has a different outcome specific to each boards/commissions responsibilities. In Brodmerkle’s opinion, the PB needs to sort some things out with their regulations, specific to handling stormwater, so they are less in conflict with those of the Commissions regulations.

Brodmerkle has reviewed the material and believes that the developer is on the right track. He will have a final review and report ready prior to the next meeting. He asked that if any changes were needed, could there be discussions between the consultants (Town & Developers)? The Commission gave their approval.

A question was raised if communication between the Commission and the planning board could take place with respect to the road (it is a scenic roadway). The Commission also needs to notify the Planning Board that the road will not be moved, and will remain straight.

The plan is to close this hearing at the next meeting on Sept 18th. Applicant is scheduled for 8:00pm.

**8:00pm – Notice of Intent, Old Post Road 40B Proposal**

**Sharon Residences, LLC**

Eric Dias, PE representing applicant.

Brief history: The applicant was before the Commission earlier in the year for an ANRAD. There is an existing comprehensive permit in place, allowing for two 4-story apartment buildings. Dias purchased the property and is requesting to modify the permit, building 36 single-family dwellings instead. This modification further pulls the project outside of the 100-foot buffer zone, leaving only the vegetated stormwater detention basin, the corner of a home, and a few screen trees within the 100-foot buffer zone.

Commission Agent Meister asked if it would be possible to put a Conservation Restriction on the back end of the property, or possibly donate the land to the Commission. Applicant asked for Meister to red-line a drawing of what the Commission would be interested in.

Applicant is scheduled to meet with the ZBA at the end of October. Commission wondered if the ZBA has asked for a peer review. If not, then perhaps the Commission should ask for one, specifically for an operation and maintenance plan review. The applicant was asked to come back with a map which shows the whole project.

Snow storage: limited space for storage. Another means of dispersing the snow will need to be looked at. Possibly a melt truck, or trucking out the snow.

DEP file number has not yet been issued for the project. The DEP number will be needed in order to close the hearing.

**Motion:** to continue the hearing to September 18 at 8:15pm.

Westman, McGrath

**8:15pm – Discussion: Hammershop Pond Dam**

Copy of email sent to Peter O’Cain, Town engineer, was presented to Commission members. Email is on file.

A meeting was held at the dam. Several Commission members have been to look at the dam. According to Meister, the dam is not the problem. It is the cement structure which needs to be repaired. Concerned abutters phoned the DCR and they are now involved. Meister explained that the Commission was looking for an accommodation. Question was raised about enforcement, and how this can be accomplished without having to butt heads between Town boards. According to Meister, the Consultant for the Town said the dam was unsafe. The consultants are in charge. The structure is leaning over and it is in failure, so boards were taken out. Fortunately not all boards were taken out. Little water is going out and pond is drying up. Greg put a tarp over the dam to try to stop the leaking. An abutter phoned DEP to complain about the pond drying up. DEP phoned Meister as well as the DCR. DCR should have received a call once the consultant notified the Town that the dam was in failure. Meister explained to DEP and DCR that we are trying to get an accommodation. The DPW is determining whether to repair or breach the dam. The discussions are ongoing. Meister is concerned that while everyone is trying to make up their minds of what to do, the pond will completely dry up. Meister would like to be able to do something in the interim while discussions of how to proceed are taking place. DCR has agreed to look at the plans, but consultants will need to review as well.

According to Commission member Geller, from a construction point of view, to repair the cement structure is not a big deal. He will speak to contractors he knows and get a price. He has also offered to supply the pressure treated timber at his cost.

Their needs to be further and deeper discussion on why the DPW would want to breach the dam. A group discussion should be had. The DEP is not coming down on whether the dam should be there or not. Arguimbau, in speaking about the pond, wondered if there would be any negative impact to the wetland.

Not dam structure which needs repair, but the sluiceway. Is money a concern? If so, perhaps go to FinCom to request a reserve fund transfer. Members of the Commission feel that the study of the Dam will cost more than the repair. There is concern about what will happen when water from the lake begins to flow.

GZA came in to do yearly inspection and they found the dam in “failure”. They called it failure because they determined that the structure was a public safety issue. They did not declare the dam itself in failure, just the structure.

From regulatory standpoint, if the dam is breached, how will this affect the surrounding wetlands and would there be a requirement to restore the wetlands? Would have to go through office of the DMC. It seems to the Commission members that emergency repairs should be done while a long range plan is being developed and worked on.

Geller will look at the dam and should hear back from contractors by the first of the week.

**Motion:** to have Keevin Geller look into the cost of work repair on sluiceway at Hammershop Pond. McGrath, DeCarbonnel 5-0-0

**8:30pm – Discussion: Appointment of representative to newly formed Lake Committee.**

Arguimbau asked if any members of the Commission were interested in serving on the newly formed Lake Committee or if they knew of anyone who would be interested. This newly formed committee will be working with other Town Boards and Committees and the Commission should have representation.

Question was raised as to what the focus of this new committee would be? Regulatory? How is the lake managed and the impact of and to the lake. Will there be an educational component? What is currently going on now? A question was also raised about the existing Lake Management Committee (LMC). The current LMC most likely will remain as they are appointees from three different Town Boards.

McGrath nominated DeCarbonnel. DeCarbonnel declined as she is just beginning a new job and this is not a good time to take on an extra commitment. Since McGrath served on the Lake Committee which met during the previous winter, it was felt that she should continue with this new committee. Arguimbau said she would provide back up if needed.

**Motion:** to appoint Betsy McGrath to the new Lake Committee

Geller, DeCarbonnell 4-0-1

**Lake Update:** Greg will be going out to look at the lake. There are dead mussels all over the lake. It is somewhat disturbing. He will be going out to look as he feels that there is something going on. McGrath will accompany Meister. The Lake is still dropping. At this point it is down 24” which is well below the minimum, and the lake seems to continue to go down. David Hearne of the Lake Committee, who was present at the meeting, had nothing to add.

**Vouchers** signed.

**Items which need to be worked on.**

1) Boat launch. There has been less protection this year than last. This can not be allowed to happen next year. When there is good weather, people still use the beach. Other towns depend upon police visibility. Need to ask police chief to come before the Commission. Commission has regulatory powers which some folks may not realize. Why can other towns police force help out, but ours can’t? The boat launch is a public launch. Members of the Commission are not asking for the police to sit at the launch area, but are asking that as the police patrol and go by the boat launch, that they show visibility by swinging into the parking lot area and check on how things are. This request needs to come from the Commission. According to Meister, it is illegal what is going on down at the boat launch. Invasives have been and will continue to be introduced into the lake because there is no oversight of the area. He believes that if everyone works together, that to fix the problem is not that difficult. Meister believes that there are not a lot of problems with how the Lake is managed. There needs to be some accountability and some assistance, but most important is accountability. Meister does not want to turn this issue into a brouhaha, and feels the Commission should ask for the Chief to come in and discuss and decide where to go. Perhaps discuss with the Selectman? Chief Bernstein will be asked to come to the next Commission meeting on September 18 at 7.45pm

2) David Hearne of the Lake Management Committee, private citizen. His primary concern is the invasives entering the lake through the boat launch. It is his understanding that during summer hours people man the parking lot for 8 hours a day. But he asked if access to the lake was restricted. He was told that there are no nighttime restrictions on the lake. The Recreation Department is responsible for the Lake and has trained its employees in what to look for on boats and trailers. Hearne mentioned that he was at the lake during the summer, and he saw no boat inspections taking place. He asked if coverage of the boat launch was a budgetary issue? Hearne was informed that the recreation department asked for additional funding for the boat launch area and they were turned down. The hours between 6pm and 8pm is a critical time. Folks know when there is no coverage at the lake. Trained people should be posted at the boat launch. Hearne feels that perhaps the better approach to protecting the lake and allowing access would be from the recreation department and not from the police. Hearne was informed that discussions over the winter months touched upon protecting the lake, unfortunately nothing came to fruition. Those who attended the winter meetings worked together and identified and prioritized times frames when coverage at the boat launch should take place. Unfortunately, what was discussed at the winter meetings did not happen.

Hearne asked about fee structure to use the boat launch. He was told that this was another issue, and that the Recreation Department presented to the Selectman what they felt the fees should be. However, the Selectmen raised the proposed fees for non-residents higher than what was requested by the Recreation Department and this posed a problem with the State, who can restrict what is charged for fees. According to the State, the boat launch fee is significantly higher than those of other great ponds in the State. Because of the high fee, the State has informed the Town they will no longer spend resources here if people are prohibited (cost) from using the lake.

A question was asked if the State ever got back to us with respect to what fees would be reasonable. Meister informed the Commission that the State was willing to allow the Town to return to the fee structure of last year, which is already quite high.

According to Meister, there is a need to take a more assertive role on groundwater issues.

Reports have been distributed to Commission members for their review. Time should be reserved to discuss these reports at the next meeting. Set a discussion time for 8:30pm on September 18th.

**Signatures:** A voucher was passed around for signatures.

An inquiry was made asking if anyone had staff gage measurements for the lake and precipitation data? In the past, the Town used to have a weather station, but no longer. Would like to be able to correlate the ground water with precipitation as this would help to give a bigger picture.

**August 7 meeting minutes:** move this agenda item after discussion on the lake update.

Approval of meeting minutes of August 7th.

**Lake Update:** Lycott came out and administered what is hoped to be the final treatment. Lycott will visit the Lake again to make sure that the treatment took. Meister spoke with the Botanist regarding the Toothcup plant. According to the Botanist, the plant is blooming (in flower). The Botanist will take measurements so in the future, will be able to define how far lake will need to be drawn down if the need should arise again. Basic measurements will be taken.

**August 7 meeting minutes** Take out the second “it” on page 2

**Motion**: To approve August 7 meeting minutes as amended. DeCarbonnel, McGrath 4-0-1.

**Motion:** to adjourn, Geller, Westman 5-0-0