

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

October 16, 2008

Sherborn Town Hall

7:30 P.M.

Minutes of the Meeting

Members Present: Bridget Graziano (Administrator), Michael Lesser, George Pucci, Steve Gaskin (Chair), Carl Shedd, Rob Eckert, Andrea Stiller

Members Absent: Alycia Lyons Goody

Associate Members Present: Kelly McClintock.

Guests: Gary Kelleher, Eliot Taylor, Wayne Perry, John McCallister, John Finnegan, Margaret Sullivan, Elizabeth Davidson, Robert Morrissey, Jim and Joanna Halpin, Joyce Hastings

Call to Order: The meeting was called to order at 7:30 P.M

Discussion #1- Green Lane RDA (Assessor's Map 6)

Gary Kellaher presented the proposed resurfacing project. The project area includes the gravel portion of Green Lane, between Maple Street and Hunting Lane. The work will include removing silt and debris from road ditches and shoulders, reclaiming the existing roadway to a depth of 12", and grading to crown and compact the roadway. Geo-Tex fabric, 15' wide, will be installed over the road. 8" of dense grade finish surface material will be installed at the centerline crown of the road and the material will be feathered to meet the shoulders. Ditches will be lined with six inches of trap rock (3" to 6" diameter). 4" corrugated, perforated (enclosed with fabric) ADS Pipe will be installed. The pipe will be covered with 6" of trap work.

A vernal pool is located on the east side of Green Lane between the Dowse Orchard driveway and the driveway leading up to house # 44. A field stone wall exists between the road ditch and the vernal pool. Before work on the road has begun, a row of hay bales will be staked along the

pool side of the field stone wall. The road ditch adjacent to the pool will be cleaned of silt and debris. The existing 8" ADS corrugated pipe that crosses under Green Lane in this area will be cleaned. On the opposite side of the road from the vernal pool, a 2' deep settling basin, approximately 3' in diameter, will be installed at the outlet of this culvert. The settling basin will be lined with trap rock. The Commission asked which way the water (from the pipe under the road, installed in the late 1950s) flows and was assured that it flows away from the vernal pool.

Joyce Hastings presented a list of recommendations: a) erosion control should be hay bales staked along the edge of the existing roadway; not along the pool side of the stone wall b) erosion control should be hay bales only (not silt fence and hay bales) to minimize activity adjacent to the pool c) stockpiling of material should not take place within 200' of the pool d) the ditch adjacent to the vernal pool should remain unaltered; not excavated and filled with stone e) Commission should be notified prior to commencement of work and f) erosion control shall be in place before any work begins on Green Lane. Rob Eckert asked if the road will remain pervious surface and Gary Kellaheer answered yes.

The Commission's main concern in conditioning the project is the impact to the vernal pool during and after renovation of the road. It was moved that the Commission accept the Request for Determination as a Negative 3 with conditions: a) through f) of Joyce Hasting's recommendations plus a few more additions- 1) erosion control shall not be along the vernal pool area (instead it will be at the edge of the road) 2) regarding condition f, erosion control should be promptly removed after work is completed 3) drawings must be updated to reflect the discussed conditions and submitted prior to starting any work 4) there is no need for the 3' diameter settling basin with trap rock at the 8" pipe outfall (across the road from the vernal pool) and 5) request inspection after any major rain event. This was seconded and accepted unanimously. During discussion Michael Lesser proposed a new amendment. He moved that the hay bales also be placed on the side of the road opposite the vernal pool. This was seconded. It was negatively voted; 2 in favor, 4 against.

Hearing #1- 28 Hollis St.

John Finnegan of Metro West Engineering presented. The project concerns an existing single family dwelling with a detached garage (6.7 acre lot) and a Title V Septic System. It was noted that the existing structure lies within the wetlands buffer zone and the riverfront.. The project does not disturb the 50' no alteration zone, but does not extend any protection to the 100' wetland buffer zone and/or the 100 and 200' riverfront area that may be required by the Riverfront Act. John Finnegan asserted that the Riverfront Act does not apply to this project since single family house dwellings are allowed to expand as long as certain criteria are met- the lot must have been created prior to August 1, 1996. The Commission was unsure as to whether this was true. Michael Lesser stated that the Riverfront Act requires project mitigation if the project affects the 200' riverfront zone. Steve Gaskin moved that the Commission continue the hearing later in the meeting since the allotted time was running out. This was second and accepted unanimously. Later, a motion to reopen the hearing was seconded and accepted unanimously. Steve Gaskin stated that the Commission needs to do more research on the legal

matters surrounding the Riverfront Act before giving an opinion, and that both parties should do this research. He also recommended that the project stay out of the whole buffer zone, not just the 50' no alteration zone and that the project leaders look at remediation options (for example, the option to protect other convert meadow to forest in perpetuity). He also stated that the Commission would like to see more analysis of alternative locations (with quantitative/square foot information) in their next presentation so that the Commission can see why the project has to be put in the proposed area. The Commission listened to Joyce Hasting's comments and recommendations for conditions, including her assertions that erosion control should include silt fence backed by hay bales. Her comments included: a.) The delineation of the wetland boundary, shown as flags numbered WF-1 to WF-26, adequately encompasses the limits of the bordering vegetated wetlands, b.) The delineation of the top of bank for Dirty Meadow Brook adequately defines the edge of the brook, c.) given the size of the project and its proximity to the 50-foot wetland buffer the erosion control should include silt fence backed by hay bales, d.) the limit of work extends to Hollis Street, e.) the proposed plan does alter an undisturbed area of riverfront adjacent to the rear addition, f.) the applicant proposes to direct all the roof runoff into multiple infiltration systems to mitigate the increase in runoff rate and volume. This overall approach is acceptable. However, soil testing was performed at the highest elevation of the site and indicates groundwater at an elevation of 171.0. Based on the test pit logs, four of the five infiltration systems will be located within the seasonal high groundwater. The bottom of stone elevation should be above the seasonal high groundwater elevation. It is recommended that each row of infiltration chambers have at least one inspection port, that approximate downspout locations be added to the plan, drain lines with slopes & inverts be added, an overflow be provided either at the bottom of the downspout or from the chambers, and 100 year storm depth in the chambers be added to the table shown on the plan,. A move to continue the hearing at the next meeting was second and accepted unanimously.

Hearing # 2 (Continued) - Proposed Bio-retention Components on Lake St. at Farm Pond; NOI

Gary Kellahe appeared before the Commission to discuss the project. Wayne Perry and John McCallister, project engineers, were also present. The Commission noted that they did not have the BOS signatures required to open the hearing. At the September 2008 meeting the Commission voted this requirement and notified the BOS and the town administrator of the vote. Due to the fact that the BOS are the project applicants, the Commission prefers that they have the BOS signature(s). The confusion over this requirement arises from the cancellation of a recent BOS meeting and an email that was sent to the Commission that stated the project leaders had the required signature. It was pointed out that no bylaw exists that states the BOS must sign the NOI.

George Pucci moved to open the hearing subject to a later continuance of the hearing following a BOS project approval vote. This was seconded but during discussion it was raised by Gary Kelleher that if the project gets changed due to the BOS, the project leaders will face the cost of an additional presentation and the project engineers were willing to return at a future date without charging for this meeting. George decided to withdraw the motion. It was moved, seconded, and accepted to open the hearing and continue it to the next meeting. Eliot Taylor suggested that a special meeting be held by the Commission and the BOS, perhaps at the next BOS meeting, to dually approve the project.

Hearing # 3 Public Hearing for Amendments to Sherborn Wetlands Regulations

It was moved, seconded, and accepted unanimously to open the hearing and continue it later in the meeting so Rob Eckert could be part of the discussion. Later a motion was made to reopen the hearing. This was seconded and accepted unanimously. The Commission discussed their standards for accepting applications that require some form of BOS signature, including emergency action situations. Adding an amendment to the Commission regulations that they would also accept approved BOS minutes saying that the BOS approved a project, as an alternative to BOS signatures, was discussed. Accepting a signed letter that the BOS authorized a project was also discussed, but Rob Eckert stated that the lack of designee posed a problem. A move to continue the hearing at the next meeting was second and accepted unanimously.

Discussion # 2 – RDA for new well at 20 Prospect St.

Rob Morrissey, a representative for the applicant, appeared before the Commission; the engineer and the resident could not make the meeting. The project is a new well for lawn irrigation purposes in the 50-foot no alternation part of a wetlands buffer zone. The Commission expressed that they do not have enough details on the plans, including why work in the buffer zone was necessary, and would grant a continuance until the November meeting in order to receive the requisite information. Otherwise, the project faces receiving a positive determination. The applicant decided to waive the 21 day requirement and would send a letter conditioning this.

Discussion # 3- ReUse Committee – RDA to establish no wetlands present at 23 Washington (conflict issue)

Some members expressed concern that Joyce Hastings is filing an RDA on behalf of the ReUse Committee, while simultaneously working for the Commission. They stated that being an employee of two town committees constitutes a conflict of interest. Some members stated that it was not a conflict of interest because Joyce was the original walker of the site. The Commission discussed hiring Paul McManus to do the wetland delineation in a consulting Agent capacity. It was moved that the application fee is waived, Paul McManus will be hired, and that he will be paid from the Commission's filing fees. This was seconded and accepted unanimously. The Administrator agreed to call Paul McManus.

Approval of Minutes

Sep 24, 2008: It was moved to accept the minutes subject to Michael Lesser's revisions and discussed changes. This was seconded and accepted unanimously

Sep 29, 2008: It was moved to approve the minutes with discussed changes. This was seconded and accepted unanimously.

Other Business

- The Commission decided that meetings will take place the third Monday of each month.
- The Commission held a discussion with Gary Kellaheer regarding the beaver dam north of Goulding St. East, located on Commission land. Mrs. Sullivan was there to answer questions about the health risk/well issues the dam poses to her property. The Administrator agreed to call Mike Callahan of Beaver Solutions to survey the beaver dam. It was noted that the BOH has been notified of the problem. The Commission can ask for needed funds at the Monday, October 20, 2008 Advisory meeting.
- Steve Gaskin proposed that the Department of Fisheries and Wildlife be contacted by the Administrator regarding the illegally bulldozed dam on the South Main St.
- George Pucci made a motion to grant a 3 year Order of Conditions extension to Jim Moruzzi for property on Washington Street (lot 82B). The OOC was originally approved on November 14, 2005. This was seconded and accepted unanimously.
- Sexual harassment signatures – form is in a folder on the desk. All members and employees must sign one and turn it in to BOS office
- Members were invited to speak to Advisory on Monday, October 20, 2008 to discuss funds for the beaver situation on Goulding St. East (a survey, possible remediation, and breaching will cost money), as well as funds for an engineer to evaluate the Dunstable Dam for stability.

Adjournment: There being no other business, a motion was made to adjourn the meeting at 10:45 P.M. This was seconded and accepted unanimously.

Respectfully submitted,

Suzanne Trainor
Minutes Clerk

Cc: Board of Selectmen, Board of Health, Planning Board, Building Dept., Town Clerk, Town Forest, Town Counsel, Sherborn Library, Advisory Committee, D/S Press, Zoning Board of Appeals, Sherborn Garden Club, Forest & Trail Assoc., Assessor, Groundwater Protection Committee, Farm Pond Advisory Committee

