

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

January 21, 2009

Sherborn Town Hall

7:30 P.M.

Draft Minutes of the Meeting

Members Present: Michael Lesser, George Pucci (7:35), Steve Gaskin (Chair), Andrea Stiller, Carl Shedd

Members Absent: Rob Eckert, Alycia Goody, Bridget Graziano (Administrator)

Associate Members Present: Jean Bednor, Eliot Taylor (9:30)

Guests: Joyce Hastings, Ted Oulette, Tom Harrington, John Knapp, Patty Michaud, Christopher W. McHallam, Julie Michaud, Al Michaud, Dave Dye, Bill Bernard

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

## Hearing #1 – Continued Farm Pond-Phase II Bio-retention Components

There was a motion to continue the hearing because the Selectmen have not yet come to a unanimous decision on the rain garden plans. This was seconded and accepted unanimously. George was absent for the vote.

## Discussion #1 – Ted Oulette Eagle Scout Project

Steve moved to approve the project as outlined. This was seconded and accepted unanimously.

## Discussion #2 – Beaver Permits and the Town's Liability

Ongoing research by Bridget has found the opinion that even if a beaver dam is located on town property, the town is not liable for the cost to remedy the situation. The only exception to this is if the town prevents action from being taken to remedy the issue. This issue will be further investigated, which might include discussion with Town Counsel.

#### Discussion #3 – Extension for Farm Pond Erosion Control Project from June 17, 2006.

Commissioners briefly discussed an older storm water improvement and erosion project for Farm Pond. It was pointed out that if the Town applies for the extension to the pre-existing OOC from June 17, 2006, it will allow the town to fix the erosion problems at the foot of the northern stairs to the pond.

#### Discussion #4 – 111 Coolidge Street update

A Public records request was filed by David Dye, who represents the Knapp's and Michaud's. The Conservation Administrator issued a letter requesting a site visit due to potential violations of the Wetlands Protection Act and the Sherborn General Bylaws, Chapter 17. A response to the Administrator's letter was sent in the form of questions and requests for more information from the Knapp's lawyer, Christopher W. McHallam.

There are three issues that the Commission is pursuing. The first concerns tires within Course Brook, which is a violation of the Wetland Protection Act and the Sherborn General Bylaw, Chapter 17. The Knapp's stated that this is from previous owners and that they will remove them. Second, even though there was a written agreement that horses would not be present within the fencing built to hold grazing livestock used for agricultural purposes, they have been seen there. The Knapps stated that the horses grazing in the area are mothers with colts that will be sold, so such activity has an agricultural exemption and does not violate the agreement that targeted the pasturing of horses. The Commission accepted this. Third, the Commission was also concerned that a road was being built between the two fields, but the Knapps maintained that they were just maintaining an existing road. -Dave Dye, a private investigator for the Knapps, said he would take Andrea Stiller and Bridget Graziano to the property to view the work..

#### Hearing #2 – Continued Changes to the Sherborn Regulations

Steve moved that an Extension of an Order of Conditions should cost the applicant \$50. This was seconded and passed with a 3-1 vote. Michael voted against the motion and Andrea abstained. The Commission decided to delete item number 3 in Section 5.4.1. A motion was made to accept the discussed changes. This was seconded and accepted unanimously.

#### Discussion #5 – New Chairman

A motion was made to vote Steve Gaskin as chairman. This was seconded and accepted unanimously.

#### Discussion #6- Capital Budget Ideas

The Commission does not have any capital budget items they are ready to pursue.

Administrator's Report

- 60 Goulding East Beaver Dam updates, trapping and breaching January 2009- This will be discussed at the next meeting.
- MACC Annual Conference- Steve, Carl, Alycia, and Jean agreed they would sign up.
- Site visit days- Wednesday mornings or Tuesday's before 8 am.
- Meeting night change back to Thursday or keep Wednesday- February's meeting will be held February 26<sup>th</sup>. Regular meeting night's may change back to Thursdays if possible; otherwise keep Wednesdays.

Approval of Determinations of Applicability

The following Determinations were reviewed at the January 21<sup>st</sup> meeting. Based on the recommendations of the Agent, the determinations will be signed and approved by the Commission:

<u>Address</u>	<u>Description of Work</u>	<u>Finding</u>
211 Farm Road	Certificate of Compliance	COMPLETE
23 Hunting Lane	Proposed Garage Addition	POSTIVE
26 Maple Street	Septic Design	NEGATIVE
111 Coolidge Street	Proposed Outdoor Riding Ring	NEGATIVE
38 Page Farm Road	Certificate of Compliance	COMPLETE
28 Hollis Street	Order of Conditions	COMPLETE
57 Maple Street	Proposed Inground Pool	POSTIVE

Adjournment: There being no other business to attend to, a motion was made to adjourn the meeting at 10 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