

# Conservation Commission



19 WASHINGTON STREET

SHERBORN, MASSACHUSETTS 01770

February 26, 2009

Sherborn Town Hall

7:30 P.M.

Minutes of the Meeting

Members Present: Michael Lesser (Acting Chair 7:30-8:40), George Pucci, Steve Gaskin (Chair-8:40), Andrea Stiller, Carl Shedd, Rob Eckert, Bridget Graziano (Administrator)

Members Absent: Alycia Goody

Guests: Bill Bernard, Daniel Merrikin, Tom Trainor, Howard Fischer, John Bensley

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

Public Hearing #1 CM&D Garage New Plan-CM&D Garage Committee-Daniel Merrikin (amend the Order of Conditions or file new Notice of Intent)

Michael opened the hearing. Dan Merrikin presented proposed changes to the original plans and the approved Order of Conditions for the CM&D Garage. The new plans include a significantly changed stormwater drainage plan that eliminates all drainage directly to the vernal pool and vernal pool habitat resource areas. The major change involves directing the majority of the site's stormwater run-off (treated as required by state regulations) to a natural depression north of the project site, which is in the buffer zone. In addition, a new vegetative swale will handle run-off from part of a restored buffer area. The plans also indicate the relocation of the building such that it is further from jurisdictional areas and maintains the fueling station location which is further from jurisdictional areas. It was noted that natural depression was located in Town Forest and the Town Forest Committee has approved this plan and this approval was provided to the Commission.

Michael commented that low impact development approaches favor increasing the area for recharging run-off and requested that other approaches for handle the building roof run-off (which does not require treatment) be considered. Concern was also noted about the run-off of salt into the buffer area and that any measures to reduce this should be pursued. John Bensley (Beals & Thomas) commented that he had done a review of the new plans and had provided some comments to Dan, and that he thought the new drainage plans were acceptable. The drainage issues related to Butler Street were also discussed. It was noted that these and other project details can and will be addressed at a subsequent special meeting for this project.

It was then discussed that an amended OOC would be issued, rather than requiring a new NOI, based on:

- (a) the purpose of the project had not changed;
- (b) the scope of the project has not increased;
- (c) that the revised project will be shown to meet relevant performance standards;
- (d) that the potential for adverse impacts to jurisdictional areas was decreased.

Steve moved that an Amended Order of Conditions was appropriate. Rob seconded the motion and it was accepted unanimously. Bridget brought to the Commissions attention materials for the meeting, were not submitted 14 days prior to the scheduled meeting, as required by the Bylaw. The hearing will be continued at a special meeting to be held on Thursday March 5, 2009 at 6 P.M.

During this discussion, the hearing was continued and then reopened in order to open and then continue Public Hearing #2 above noted below.

#### Public Hearing #2 – 57 Maple Street In ground pool, GLM Engineering Consultants

Michael opened the hearing. The applicants have written to the Commission requests the hearing be continued to next month because additional information was requested by the Natural Heritage and Endangered Species Program, and they have not received the letter which the Bylaw requires to open a hearing. George moved to continue the hearing per their request. This was seconded and accepted unanimously.

#### Public Hearing #3 – 114 Farm Road-Pounds Pond Invasive Species Management by Lycott Environmental, Inc.

Steve opened the hearing and moved that it be continued at the request of the applicant because more time was needed to submit sufficient information. This was seconded and accepted unanimously.

#### Discussion #1 – Informal discussion with Bill Bernard regarding 23 Hunting Lane-Positive Determination for Garage Addition

Though the applicant presented that the project will not involve a change in the building footprint, the project received a positive determination because the work will be in the buffer zone, including the no alteration zone, and will increase the amount of impervious surface.

Therefore, the Commission confirmed that a Notice of Intent is required to adequately review and condition the project.

Public Hearing #4 – Michael Lesser- Changes to Sherborn Regulations- Fees, Filing Fees, and Natural Heritage Filing

Michael presented that fees had not been changed in over two years and that the Commission presentation to the BOS included filing fee revenue increases to help fund the Commission during this period of financial difficulties at the Town level. He made a motion to change the fee for a Request for Determination from \$100 to \$120 and the fee for Notice of Intent Category 1 from \$700 to \$750. George seconded and the motion was accepted unanimously.

It was discussed that in Section 5.2.6, Natural Heritage the wording be changed from 1/8 to 1/4 mile to be consistent with the State regulations. Michael moved that the local regulation text be changed from 1/8 mile to the state level of 1/4 mile. This motion was seconded and unanimously accepted.

Michael noted that additional fee changes may be needed, and a motion to continue the hearing was made, seconded and accepted unanimously.

Discussion #2- Funding for Beaver Remediation Projects The Commission discussed using public funds for beaver remediation payments. Counsel through MA Association of Conservation Commissions recommended that the Commission seek permission from the Board of Selectmen to speak with Sherborn Town Counsel for advise on the use of public funds for projects that impact private land. (See attached Administrator's cost analysis.) Carl moved that the Commission get legal clarity on this matter. This was seconded. Rob stated that the Commission should ask for permission from Dan Keyes, Town Administrator, to speak with Town Counsel, to clarify this issue. This was accepted unanimously.

Approval of Minutes: December 17, 2008; January 21, 2009

The December minutes will be approved at a future meeting. Steve moved to accept the January minutes as amended. This was seconded and accepted unanimously.

Miscellaneous business:

- The Administrator recommended that the fee for a Certificate of Compliance at 38 Page Farm Road be waived, because applicant had paid the fee in October 2007 and never received a Certificate of Compliance, due to additional planting requirements. The Commission agreed that an additional fee would not be necessary.
- 23 Stoney Brook Road Tree Removal- Loretta Fitzgerald, the previous agent, gave the resident permission to remove trees in the backyard in 2008. Additionally, she stated that the resident did not have to file again for tree removal, because there were no wetlands within 200 ft of the property. Resident would like to remove trees from the front yard. Bridget will go look at the site to determine if the marked trees may be cut down. Applicant will not be charged again.
- Draft of proposed changes to the Board of Health Regulations: This hearing will not take place until April. Bridget will read the changes and give comments.

Administrator's Report

- Meeting night changed back to third Thursday of the month, for the rest of the year.
- Conservation Land Mowing- Hidden Meadow: Bridget will continue to work with Mr. Fiske and Mr. Wirth to set up management plans with funds to complete the annual mowing.

Approval for Determinations of Applicability

The following Determinations were reviewed by the Commission . Based on the recommendations of the Agent, the determinations were approved and signed by the Commission:

<u>Address</u>	<u>Description of Work</u>	<u>Finding</u>
44 Maple Street	Soil Testing	Neg

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