

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

May 21, 2009

Sherborn Town Hall

7:30 P.M.

Minutes of the Meeting

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

Members Absent: Alycia Goody

Associate Members Present: Jean Bednor

Guests: Dan Glickman, Dudley "Will" Willis, George Morgan, Al and Patty Michaud, Jonathan Hall, Helene Wirth

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

Discussion #1 – Sassamon Golf Course

It was noted that the golf course representatives were not in attendance because of a meeting conflict. Bridget stated that the golf course report came in on time, but the Commission still needs more information, such as the criteria and supporting information that can be used in approving new chemicals. Members expressed disappointment in the yearly reports because they contain data that is hard to interpret and the overall progress towards an organic golf course is slow. They discussed that the Commission needs an independent consultant to do a technical review. Rob proposed that Bridget request quotes from three consultants, so the Commission may choose one, to review the golf course yearly submittals. The Commission could also use the consultant to review material submitted for approving new chemicals and/or reducing water quality testing.

It was noted that under the Order of Conditions, that conditions #61 b states “The applicant shall provide the Commission with money sufficient to pay reasonable fees of an expert qualified to assist the Commission in evaluating the data presented in the reports.” It was discussed that the cost of such support to deal with new chemicals and testing changes could be developed and provided to the Golf Course. An interrelated matter is developing the scope and cost for a review of the course’s management plan, progress towards more organic practices and water quality test results. This will be pursued and then the funding discussed.

Discussion #2 – Interviews for New Member

George Pucci has resigned membership since being elected to the Board of Selectmen. The Commission interviewed two candidates to fill his spot. Dudley “Will” Willis Jr. is a real estate professional and is interested in serving on the Commission because he believes in the rural character of the town and would like to get involved in town government. Will indicated that the time commitment is feasible for him.

Daniel Glickmen had already interviewed for a previous opening on the Commission so members did not have many questions for him (see June 19, 2008 minutes). He works in green construction and indicated that he is available for site visits and meetings. Members noted that Dan has come to several meetings before.

The Commissioners decided to see if Will and Daniel are still interested before voting in a new member proposal. They will also wait to vote until the advertisement for a new member has been running in the local papers for 30 days. Steve moved that Rob Eckert and Carl Shedd be reappointed for three year terms. This was seconded and accepted unanimously.

Public Hearing #1 – Metro-West Engineering 12 Wild Meadow Lane Equestrian Bridge (continued)

The applicants for this project have submitted a request to continue the hearing. Steve Gaskin opened the hearing and then moved to continue the hearing at a later date. This was seconded and accepted unanimously.

Discussion #3 – Jonathan Hall 84 Coolidge Street

Property at 84 Coolidge Street is the site of a significant amount of clearing, some of which is in the buffer zone of a wetland and therefore, as an alteration, comes under the jurisdiction of the Conservation Commission. Jonathan Hall, property owner, stated that he was not aware that he was in the buffer zone when he was clearing and was trying to get the land back to the way it was before the previous owner, William Daisley, owned the property. It was explained to Mr. Hall that to legally clear areas in the buffer zone one would need to file a Request for Determination and then, depending on the determination, possibly a Notice of Intent. To remedy the situation, it was proposed that a qualified consultant be hired to give Mr. Hall an opinion as to how much of the jurisdictional areas were altered, and what to do next before returning to the Commission. The other option is to require a NOI through an enforcement order.

Steve proposed that Bridget give Mr. Hall a list of consultants, one of which could make an opinion regarding the situation and possible remediation. Mr. Hall asked why the cleared area is so important and members answered that they are charged with enforcing the Wetland Protection Act and the Sherborn Bylaws, which protects the buffer zones of jurisdictional wetlands. He also asked how the Commission found out about his violation as he suspects many people clear their property of trees, and Bridget answered that she noticed the violation on his property in mid-April and then sent him a notice of violation. Jonathan will be given a few days to pick one of the two options.

Discussion #4 – Rick Merrikin of Merrikin Engineering, 30 Old Orchard Road Amendment to the Order of Conditions

The OOC was originally approved in 2008. Since then, the applicants have decided that they need to make some small changes in the placement of the addition and deck. The applicants requested the Commission to grant them a letter amendment to the OOC allowing this minor change without additional hearings. Michael moved that the Commission find these changes to be minor in nature and that the Commission should approve the change with a letter amendment to the OOC. Steve seconded this motion. Upon discussion members clarified that minor modifications are judged by the project's proximity to wetlands and the type of equipment used. A moderate modification differs from a minor one in that for a moderate change there is more ?? likelihood of a wetlands impact and so there must be a request for a public hearing, abutter notices, and an amended OOC. Michael's motion was then accepted unanimously. After a discussion and an agreement with the applicant, Rob moved that two additional plants will be planted in the remediation area and that the proposed patio will be constructed to be pervious. The OOC should be modified accordingly. This was seconded and accepted unanimously. It was noted that the applicants should plant extra plants so that at least 75% survive two growing seasons.

Discussion #5 – Peter Brockway and George Morgan – Hidden Meadow Trail

George Morgan, a member of Forest & Trails, appeared before the Commission to discuss improvements to the Hidden Meadow Trail. Peter Brockway, president of the Sherborn Forest and Trail Association, was not in attendance. George stated that he has used hay bales and pine needles to control muddy areas and has repaired a bridge on the trail. George said that his vision for the trail was to have an area just for horses and the rest of the space devoted to pedestrians. Helene Wirth disagreed and said that she believed that the trail should be left alone. Rob Eckert stated that George should not have done work on the trail without an approved plan. The discussion was briefly interrupted to open and then continue Hearing #2. Rob also said he was not in favor of encouraging horse riding through the wetlands. Members stated that they needed an official plan because the wetlands cannot be altered without a NOI. Trail improvements may change the water hydrology and the Commission needs to look at this. Steve also mentioned that Peter Brockway should be consulted before further work on the trail, and that Forest and Trail could be the applicant on future work.

It was also noted that CM & D should be contacted regarding lessening the impact on the wetlands of the release of water from Harrington Ridge Road. Apparently, when the storm drains are cleaned, a great deal of water at high velocity is released into the adjoining wetlands.

Public Hearing # 2 – Changes to the Regulations (continued)

Members expressed the opinion that they should finish other discussions before devoting time to this hearing. Steve opened the hearing and moved to continue the hearing. This was seconded and accepted unanimously. Steve later reopened the hearing by a motion which was seconded and accepted unanimously. Members discussed a tiered fee system for Requests for Determination and it was agreed to do further work on this idea. Steve moved that they continue the hearing. This was seconded and accepted unanimously.

Discussion # 6 – 111 Coolidge Street Violation Site Visit

Al and Patty Michaud appeared before the Commission to discuss a recent violation letter. Based on recent inspections by Bridget Graziano, it was determined that the tires that they were directed to remove from Course Brook have been removed, and that the clearing that they have been conducting is allowed under the Agricultural Exemptions to the Wetlands Protection Act. Rather than building a new road, the Michauds were removing vegetation within a 100' of the crop edge to reduce shade to the crops, which is permitted as long as the clearing is not within 25 feet of Course Brook's bank. Steve proposed checking the site after the Michauds are done clearing in the fall. The Michauds were directed not to clear within 25 feet of the brook. Rob suggested putting up small permanent markers for this. Steve Gaskin emphasized that he was impressed with the Michauds' knowledge of the Agricultural Exemption laws as well as his appreciation for their compliance. He stated that the Commission had to investigate neighbor complaints out of fairness, but that by communicating with the Commission and allowing for inspections, any misunderstandings about the Michauds' activities could be more easily avoided. Steve moved that Bridget work to clear the violation with Town Counsel, and that no fines be levied. This was seconded and accepted unanimously.

Approval of Minutes

Steve moved to approve the March 19, 2009 and April 22, 2009 minutes as amended. This was seconded and accepted unanimously.

Administrator's Report

- 65 Old Orchard Road- The property experienced a significant amount of clearing for horse grazing behind the house, without a Request for Determination. Bridget Graziano inspected the work and found that it was not done in any resource area or buffer zone. She instructed the owner about how to file an RDA prior to conducting other clearing or any alterations in the future.

- At 17 Page Farm Road, in connection with the horse paddock, a pile of manure in the buffer zone was found. Bridget reported this to the owner (Mrs. Kennedy) and the pile has been removed.
- Mr. Pounds 114 Farm Road- The Commission decided that it would not refund Mr. Pounds the fee for their cancelled NOI.
- Abbett 9 Ward Lane Meeting - The Abbetts cut trees on their property that turned out to be outside the buffer zone but the wood piles were found to be in the buffer zone. The Abbetts have until June 30, 2009 to remove the wood piles in the buffer zone and agreed to notify the Commission if they need to clear more trees (a Request for Determination clarifies whether the trees are in the buffer zone/wetlands).
- UMASS Amherst Dept. of Natural Resources- Wetlands Study - Accessing Conservation Land: The Department has told Bridget that they will let her know an exact date.
- The Farm Pond catch basin, leaching pipe removal, and rain garden work is complete and the beach will open this weekend. Rob suggested that a site visit take place soon. Bridget will set up site visit.

Approval of Determinations of Applicability

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

| <u>Address</u> | <u>Description of Work</u> | <u>Finding</u> |
|------------------------|--|----------------|
| 22 Great Rock Road | Septic System Replacement | NEG 3 |
| 32 Lake Street | Proposed Deck | NEG |
| 56 Hollis Street | Soil Testing | NEG3 |
| 37 Greenwood Street | Remove Deck & Replace Deck | NEG |
| 111 Coolidge Street | Installation of a Well | NEG |
| 20 Jackson Road | Septic System Replacement | NEG 3 |
| 86 North Main Street | Extension for Order of Conditions | NEG 3 |
| 67 Brush Hill Road | Certificate of Compliance | NOT GRANTED |
| 44 Maple Street | Replacement of Septic System Proposed and addition of two car garage | NEG |
| 59 Bogastow Brook Road | Replacement of a D-box | NEG |

Adjournment: There being no other business to attend to, a motion was made to adjourn the meeting at 11:25 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