

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

July 16, 2009
Sherborn Town Hall
7:30 P.M.
Minutes of the Meeting

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

Members Absent: Rob Eckert, Michael Lesser

Guests: Marisa Shea, Jayne Shea, Merry Shea, Stephen Bonder, Rachelle Robin, Jack Shea, Joette Robin, Macallister Robin, and Julia Jacobson

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

Discussion #1 – 138 Maple Street – Amendment to the Order of Conditions, Extension for Order of Conditions

Rachelle Robin, the current property owner, requested that the Commission grant her an Extension for the Order of Conditions (OOC) originally filed by, a previous owner Bill Niles, as well as an amendment to the OOC to change the required plantings to a different location. The original area for the plantings is located on an adjacent property. The OOC was not found to be recorded on the deed by her real estate lawyers when Rachelle assumed the property. Due to this confusion, Steve moved that the Commission waive the Extension for the OOC fee. This was seconded and accepted unanimously. Steve moved that the Commission approve the Extension

for the OOC. This was seconded and accepted unanimously. The Commission requested that Rachelle submit a plan for the plantings for the Commission to approve as an Amendment to the OOC for the August 20th meeting. It was noted that Ms. Robin will be proposing to change the number of plantings from 30 to 20 plantings and the location of the plantings to be located on her property

Discussion #2 – 84 Coolidge Street Site Visit, respond to Enforcement

The Commission decided to give Jonathan Hall, property owner, extra time to submit a Notice of Intent because he is cooperating with the Commission. Jonathan previously cleared vegetation in the buffer zone without Commission approval and is now working to rectify the situation.

Discussion #3 – 12 Wild Meadow Lane-Agricultural Exemption, resubmit Request for Determination of Applicability (RDA) for Agricultural Use

Julia Jacobson, property owner, originally was approved for a barn and garage construction by the Commission. It was then found that Ms. Jacobson constructed two horse runs on her property without a building permit or Conservation approval. Bridget asked that she file a Request for Determination of Applicability (RDA). After learning that Ms. Jacobson would be raising horses for the goal of making a profit, Bridget recommended that the applicant resubmit the RDA for agricultural use pertaining to the horse activity. The land has previously been used to raise sheep for profit. However, there was no official application to the Commission for a designation of the property as Land in Agricultural Use (LAU) by the previous owner. Bridget contacted the Department of Environmental Protection (DEP) for clarification of the raising of horses as an agricultural commodity and determining past use of land as LAU. It was found that aerial photography and town knowledge use of a property can constitute as proof of LAU. In addition, the raising of horses may be considered raising an agricultural commodity. The Commission requested that Julia file a RDA with a plan that designates the areas where the horse will be kept, fed, and exercised. The Commission can then approve the new use of the land to raise horses under an RDA for “land in agricultural use”. Commissioners agreed that since the horses are a first time activity (past agricultural use pertained to sheep had no designation by the Conservation Commission as LAU), a new RDA is appropriate. It was noted that if Ms. Jacobson needs to expand the area used raising horses in the future, then she will have to apply to the Commission in the form of an Notice of Intent.. Steve further noted that if the applicant wishes to make changes that would be considered normal maintenance, as defined by the Massachusetts Wetlands Protection Act, such as work on a fence, the applicant is encouraged to keep the Commission informed so that the Commission will be better equipped to address citizens’ concerns about these activities. Ms. Jacobson stated she will be replacing the old fencing with new fencing in the same location.

Approval of Minutes- June 23, 2009

Steve moved to approve the meeting minutes as amended. This was seconded and accepted unanimously.

Administrator's Report

- August 20th meeting
- 115 Coolidge Street site visit-remediation for Riverfront disturbance- Bob Sanclemens, property owner, was asked by the Commission to remove a pile of debris located in a Bordering Vegetated Wetland. However, when he removed the pile it caused damage and erosion to the bordering vegetative wetland. Bob told the Conservation Agent/Administrator that he would allow the area to grow back to natural vegetation and was willing to plant native species requested by the Conservation Commission. Commissioners decided that they would issue him a non-punitive enforcement order in September stating that Commission-approved native species must be planted. Members will decide what plantings to approve during the September meeting.
- CM&D budget for Consultant- The Conservation Agent/Administrator will work on this project unless help from Joyce Hastings is needed.
- Sign Order of Conditions for 15 Bear Hill Road
- Sign Certificate of Compliance for 70 Bullard Street
- 237 Washington Street Enforcement letter- It was noted that the Commission will start fining the property owner for violations on July 23, 2009.

Approval of Determinations of Applicability

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

<u>Address</u>	<u>Description of Work</u>	<u>Finding</u>
NSTAR Western Ave	Certificate of Compliance	GRANTED
21 Meadowbrook Road	Replacement of Septic System	POSTIVE
34 McGregor Drive	Soil Testing	NEGATIVE 3
11 Washington Street	Handicapped Access to Church	NEGATIVE
36 Prospect Street	Propose demolitions, proposed additions, proposed deck, abandonment of old well and installation of new well	NEGATIVE
16 Kendall Ave	Proposal to install wimax antennas, dish antennas, ground equipment, steel platform, ice bridge, power cabinet	NEGATIVE
21 Coolidge Street	Replacement of Distribution	NEGATIVE 3

Adjournment: There being no other business to attend to, Steve moved to adjourn the meeting at 8:53 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

