

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

August 20, 2009

Sherborn Town Hall

7:30 P.M.

Minutes of the Meeting

Members Present: Susan Tyler, Will Willis, Michael Lesser, Andrea Stiller, Bridget Graziano (Agent/Administrator), Steve Gaskin (Chair)

Members Absent: Rob Eckert, Carl Shedd

Guests: Alexander Makkas, Evan Wilmarth, Endre Hollosi, and Marisa Shea

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

Discussion #1 – Sherborn Meadows LLC Enforcement Order (cancelled)

Bridget reported that Sherborn Meadows, a 55+ condominium community at 43 Kendall Avenue, has an expired Order of Conditions (OOC) and has not fulfilled all conditions required under the OOC; therefore they cannot file for a Certificate of Compliance at this time. The Conservation issues include maintaining the area between the building and pond as a natural meadow and invasive species management. A lawyer is working with the Commission and Sherborn Meadows on this matter. Bridget stated that the discussion will be postponed to the September meeting due to a time conflict on part of the lawyer.

Discussion #2 – 138 Maple Street Proposed Amendment to Order of Conditions

A previous property owner (Bill Niles) filed a Notice of Intent (NOI) and the proposed project was approved by the Commission. He was issued an OOC to start and complete work. The OOC proposed plantings to prevent runoff from entering a Vernal Pool, but mistakenly plantings were proposed for an area was located on an adjacent property (the Morrow Property). At the July

2009 meeting, the Commission approved an Extension for the OOC so that the plants can be planted on the new owner's property (Ms. Robin) where they will still prevent sediment from impacting the Vernal Pool. The Commission also requested that Rachelle Robin, the current property owner, submit a plan for the plantings for the Commission to approve as an Amendment to the OOC. The Commission is now in receipt of this plan. A new location was found for the plants on Rachelle Robin's property, specifically to the left her driveway. This steep location provides for good erosion control because the plants will protect the vernal pool from runoff. The number of plantings was reduced from 30 to 20 plants due to the size limitation of the land in that area. It was noted that currently there are no signs erosion into the vernal pool. Steve moved that the changes discussed constitute a minor amendment to the OOC and that, furthermore, the Commission approves the planting plan as depicted in the applicant's letter to the Commission dated August 20, 2009 and that the Commission votes to approve the changes as a minor Amendment to the OOC. This was seconded. During discussion, clarification was asked about how the new location was picked, and Bridget stated that the location was chosen because it is the steepest slope that is not vegetated. The motion was then accepted unanimously.

Discussion #3 – Makkas 11 Jackson Road

Alexander Makkas came before the Commission and brought up two issues regarding the mitigation measures he agreed to as part of an OOC. The first issue that Mr. Makkas brought up was the suitability of the plants he was supposed to grow in his backyard. Of approximately the twelve shrubs he planted, only about three survived. He stated that he would like to work with the Commission to find new plants that have a better chance of surviving and noted that because of the cost of the plantings, he would like to plant gradually so that if the first couple of plants die, he knows not to buy more of the same plants. It was noted that native jewelweed is currently dominating the backyard areas. The Commission discussed plant types that might be better suited to 11 Jackson Road. Mr. Makkas and Bridget will collaborate to find plants that have a greater chance of survival. The second issue that Mr. Makkas brought up regarded two woodpiles in the buffer zone. When Bridget completed the Certificate of Compliance site visit, she asked Mr. Makkas to remove the piles. He agreed to move the old pile and did thereafter. This area as supposed to act as a mitigation area for the installation of the septic system, removing the driveway and planting vegetation in its place. The area was to act as an infiltration barrier to the wetland resource per the OOC, but he stated that he is running out of room on his property (which is mostly buffer zone) and does not want to deposit the pile on the playset area. The Commission discussed the potential value of the wood pile as habitat area and whether additional mitigation was done to offset leaving the woodpile. The Commission recommended that after Mr. Makkas collaborates with Bridget regarding the selection of new vegetation, he should plant in the approved restoration areas. In addition, the Commission asked that Bridget recommend vegetation to plant in the infiltration barrier and plant as stated in the OOC. The Commission agreed that the new planting and the additional (beyond the original OOC) stormwater management systems would be adequate mitigation to allow the one woodpile in the mitigation area. The applicant can also request an Extension for the OOC if more time is needed to complete the required two growing seasons.

Discussion #4 – 28 South Main Street – Certificate of Compliance

Evan Wilmarth, Engineer, appeared before the Commission. The property owner is Bobby Constantine. Mr. Wilmarth stated that confusion has arisen over whether a well was actually a cesspool. The terms were interchanged on several records, and upon investigation, it was deemed a well. Mr. Wilmarth further stated that the Board of Health may order that the well be abandoned. Members discussed the possibility that if this is ordered, a Notice of Intent (NOI) might be required because the well is next to a wetland. It was noted that the property had an OOC with the Commission, but had been granted a Certificate of Compliance in 2008. Mr. Wilmarth stated that he would let the Commission know of the Board of Health's decision soon. Steve thanked him for coming in and said that the Commission would do research on whether the situation would trigger an NOI.

Approval of Minutes

Members discussed the July 16, 2009 minutes. Steve moved to accept the minutes as amended. This was seconded and accepted unanimously.

Administrator's Report

- Welcome new members- Susan Tyler and Will Willis
- Sign Sexual Harassment forms
- Ratify the Emergency Certification for Washington Street Spill - Steve moved that the Commission approve both Emergency Certification forms for the accident on Washington Street. This was seconded and accepted unanimously.
- CM & D Maintenance Order of Conditions and RDA filings- Bridget reported that she would help with the formulation of the NOI, but that the town has to file it. She further noted that CM & D would have to file to do any routine maintenance work if the work is not stipulated in the NOI. Steve asked if CM & D were making any progress in storm water management technology. Bridget stated that she would do research on this matter.
- Implement Agent/Commissioner check list for site visit to place with file or Order of Conditions, Certificate of Compliance and Negative 2 or 3 determinations- The Commission agreed with Bridget that it would be more effective if her Agent reports better matched contractor reports.
- Buffer Zone restoration guidelines for Sherborn- Bridget mentioned that the Framingham Conservation Commission posts these on their website and that Sherborn might do the same. Steve recommended that she contact the Framingham Commission for permission to use their guidelines or a version of it.
- CSX rail line beavers in culvert-pictures (Bay Circuit Trail)- Bridget reported that the culvert is plugged. Members discussed who would be taking care of the matter.
- 237 Washington Street Update- The Commission has been fining Louis Recine since July 23, 2009, for stockpiling of materials in the buffer zone as part of an illegal transfer station. Other town boards are also involved. The Board of Selectman will be addressing the situation at a future meeting that Bridget and Susan plan to attend.
- 84 Coolidge Street Update- After illegally clearing vegetation in a buffer zone, Jonathan Hall was required to file a restoration NOI through an Enforcement Order. Bridget

reported that Jonathan Hall sent her a letter stating that he is filing a Notice of Intent. She called him to let him know that he needs to send in the completed NOI forms. Steve recommended that Mr. Hall is given a deadline to send in the NOI.

- Turtle x-ing Signs/Cost- Pam Merrill, MA DEP Northeast Circuit Rider, sent the Commission an email concerning the death of turtles, a rare species in Massachusetts, on the roads and about successful prevention measures that other towns have implemented, such as turtle x-ing signs. Members discussed streets and intersections where they have seen dead turtles. The Commission discussed the following options for signs: temporary (only during turtle mating season), permanent, and/or foldable, as well as the approval process for the signs. Susan noted that culverts and fencing has been used to redirect turtles out of the street. On the issue of finances, Steve said he was in favor of the town paying for the prevention measures because of the Commission’s limited budget. Bridget noted that implementing prevention measures now is a good idea in case the state mandates such, possibly more costly, measures in the near future.
- Invasive species removal Aug 25th by NE Wildflower Society
- Submit final edits to Farm Pond Phase II- Bridget reported that the guard rail on the site is a public safety hazard and it will be taken out and put back in via Emergency Certification.

Approval of Determinations of Applicability

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

<u>Address</u>	<u>Description of Work</u>	<u>Findings</u>
98 Hunting Lane	Installation of Septic System	NEG
23 Mill Street	Soil Testing	NEG3
21 Meadowbrook Road	Replacement Septic System	NEG3
39 Prospect Street	Proposed deck, basketball court, and tree cutting with compost area	NEG
21 McGregor Drive	Remove in-ground pool	NEG3
15 Ward Lane	Proposed addition and deck	NEG
58 Hunting Lane	Proposed addition	NEG3
12 Wild Meadow Lane	Agriculture Plan for raising horses	NEG5
56 Hollis Street	Removal of Septic tank and installation of new septic system	NEG

28 North Main Street

Removal of deck and replace with
ramp and stair access

NEG

Adjournment: After thanking the new members for their service, Steve moved to adjourn the meeting at 10:10 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