

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

January 26, 2010

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

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

Members Absent: Robert Eckert

Guests: Eliot Taylor, Chris Sweeney, Howard Fisher, Julia Jacobson, Stephen Bonder, John O'Neill, Joe Nihill, Joseph Sawan, Michelle Sawan, Dan Merrikin, Jonathan Hodson-Walker

Call to Order: The meeting was called to order at 7:00 P.M.

Discussion #1 – 237 Washington Street- Recine

Chris Sweeney appeared before the Commission. He reported that Mr. Recine is planning to complete the remediation work required on his property and is contracting with Beals & Thomas to work on the remediation plan and wetland delineation. He met with John Bensley of Beals & Thomas on Mr. Recine's property on January 13, 2010. Mr. Sweeney stated that the work should be started within the next few weeks, if Mr. Recine is able to pay the retainer to enter into a contract with Beals & Thomas. He agreed that they would aim to have the issue resolved by the February meeting or have John Bensley call Bridget. It was noted that the Commission has required Mr. Recine to have the delineation completed by the February 18th meeting. Mr. Sweeney presented the Commission with the unsigned contract from Beals & Thomas, showing Mr. Recine's continued effort to work with the Commission.

Public Hearing #1 – 14 Everett Street Proposal for an in-ground pool by GLM Engineering Consultants – Continued

Susan Tyler recused herself. The project involves access through the 100' buffer zone to install an in-ground pool with associated deck, fence and shed. Joe Nihill presented the new plan, dated January 26, 2010. He reported that strawbales and silt fencing will be used as erosion control from the retaining wall up to the edge of the pool. The construction will take approximately five days and no refueling or equipment storage will take place in the buffer zone. Joe Nihill presented the dewatering plan and location (outside the buffer) and discussed the pools filtering system.. Steve moved to close the hearing. This was seconded and accepted unanimously. Bridget asked if the Commission would like to request the submittal of the manufacturer's information regarding closed filtration systems before construction begins. Michael then stated this was not within our purview to ask for unless an activity in a jurisdictional area (which would not be the case in this project) and therefore will not require this. It was moved that the Commission accept the NOI and that the Commission finds that the project/plan meets all relevant requirements in 310 CMR 10.02 (2)(b)(1) and has no significant effect on the buffer zone to jurisdictional areas as stated in 310 CMR 10.02 (1)(a). The plans were approved with the following special conditions (1) the pool will operate as a closed filtration system and therefore will not need to be emptied to discharge water, however, if the water needs to be removed from the pool a pump truck will be hired to pump out the water, at which time the Commission will be notified, and (2) the dewatering plan was sufficient, but the Commission shall be notified with 24 hours of any adverse affect to the buffer zone or wetland resource area.. This was seconded and accepted unanimously.

Discussion #2 – Washington Street, Map 3 Lot 82B proposal to amend the Order of Conditions by GLM Engineering Consultant

Susan recused herself. The owner of this lot, James Moruzzi is reducing the size of the house on the original plan and the number of dry wells, while maintaining the same septic system and well. The level of work, siltation barrier, and access way will also remain the same. Members suggested extending the erosion controls to ensure that the construction workers are accessing the project properly. The question in front of the Commission was whether the proposed amendment is minor. Michael pointed out that the proposal decreases the amount of impervious surface in the buffer zone. Steve stated that the proposal constitutes a minor amendment. Steve moved that (a) the Commission finds that the proposed changes to the OOC constitute a net improvement for wetlands and finds them to be minor amendments, (b) the next phase of work is the construction of the planned access to the project via the proposed driveway so that access is not made from the adjacent property, (c) the applicant must extend the siltation barrier to the tree line, and (d) any damage to the field from the installation of the well will be corrected during spring 2010, which shall be approved by the Commission's Agent. This was seconded and accepted unanimously.

Discussion # 3 – Conservation Property on Farm Road- Site visit with Dudley Willis

Will recused himself due to the fact that his father donated the land to the Commission and may repossess, the land from the Town until December 2011, therefore an immediate family member

could yield a net benefit from a decision regarding this land. In addition, Bridget asked the Commission sign disclosure of Conflict of Interest forms, to disclose the fact that one of the Commission members could financially benefit from this discussion. These forms will be filed with the Town Clerk and the Board of Selectmen. Bridget reported that she and Andrea met with Dudley Willis, the previous owner of parcels 3a and 3b of Farm Road. Andrea and Bridget stated that Mr. Willis would like the removal of the dressage ring sand, old jumps in the field, and fencing along Farm Road. He would also like to have the sand in the dressage ring replaced with soil and plantings in order to promote the land to revert back to forest land. In addition, Mr. Willis asked if the Commission could research having a fence erected along western property line to prevent any future confusion about where the Town's property line is. It was discussed that some form of demarcation should be pursued that is not detrimental to the wetland resource of the pond. Members discussed who should complete this work and whether the Commission should seek Town Counsel. The Commission agreed to have Bridget research the costs associated with this work before seeking Town Counsel's advice. Currently the property deed states that the land should revert back to its natural state. The Commission asked Bridget to get quotes from different landscape and contractor companies to see how much this would cost. Bridget notes that Mr. Willis is willing to assist with some of the cost associated with this project, but this is contingent upon the reasonability of the quotes. It was asked that Bridget call the adjacent property owner to see if she will take down some of the fencing that was erected on the Town property.

Discussion #4 – 32 Pleasant Street, Western Ave Driveway

Jonathan Hodson-Walker appeared before the Commission. He reported that he has been communicating with Ed Wagner of CM & D regarding the driveway requirement of the Highway Department. Ed has required the paving of 30' of the driveway starting from the edge of the road Western Avenue and extending inward on the property, which is within the buffer zone to a wetland resource.. The Commission discussed if this would require the filing of an RDA or NOI. While the road is clearly for agricultural purposes that are exempt under the WPA, the question is whether the magnitude of the improvement is still within the exemption given that it is being improved extensively for access by the farm's members. Jonathan maintained that the member access is part of the harvesting of farm produce, which is an activity under the agricultural exemption. The members are part of a community supported agricultural activity on the farm. He also stated that the goal of this agricultural activity is to generate a profit. To reach a resolution on its jurisdiction, the Commission has to find that the road will be used for farming and therefore is exempt under the WPA. Members decided that they would resume the discussion during the next meeting. The Commission asked to see if Ed Wagner would reduce the 30' pavement requirement in order to stay outside the buffer zone or if Ed Wagner would allow Mr. Hodson-Walker to use porous materials, instead of asphalt. It was also asked that Ed Wagner attend the next meeting to discuss these options with Mr. Hodson-Walker and the Commission

Discussion # 5 – Appoint a member to the Groundwater Protection Committee

Bridget asked if anyone was interested in serving on the Groundwater Protection Committee. No one volunteered except Andrea, who attended a couple meetings recently. Steve made a motion

to appoint Andrea to the Groundwater Protection Committee. This was seconded and accepted unanimously.

Discussion # 6– Peter Brockway Forest & Trails placing signs for maintenance on trails

Bridget reported that Peter Brockway recently contacted her asking the Conservation Commission’s permission to place Forest & Trails signs at the entrances to Town Land would give information about contacting Forest & Trails Association, when maintenance is needed. The Commission discussed these signs. The Commission discussed this idea and asked Bridget to get a copy of what the signs will say from Peter Brockway and asked that he attend the next meeting to discuss the sign placement and wording. Bridget noted that she asked Mr. Brockway to get permission from the Tree Warden about placing signs on Scenic Roads.

Discussion #7- Dan Merrikin to Amendment to the Order of Conditions for CM & D Garage Project

Dan Merrikin appeared before the Commission to request a minor amendment of the existing Amended Order of Conditions, dated May 26, 2009. He stated that presently Condition 63 restricts snow storage to the West side of the building. He further stated that this condition poses an operational difficulty to CM & D and altering this condition would not pose adverse environmental effects because none of the snow related discharge reaches the vernal pool (due to an 8’ soil berm barrier and the restructured drainage). Dan asked the Commission to strike the second sentence of Condition 63. Steve moved that the Commission finds that the removal of the second sentence from item 63 constitutes a minor amendment to the OOC due to the lack of an adverse effect on the wetlands and the first sentence of condition number 63 allows the Commission to enforce protection of the vernal pool with regards to snow storage. The Commission briefly discussed the stormwater drainage plans and whether the current Order of Conditions protected the best interests of the wetland resources. It was agreed the Commission could still monitor and protect the resource areas under the WPA, local bylaw and open Order. This was seconded and accepted unanimously.

Discussion #8- Stormwater Management Goals for the Commission

The Commission discussed stormwater management goals.

Discussion – Special Municipal Employee Status for Technical Review Consultants

The Commission discussed Susan’s concern about whether it is a conflict of interest for GLM Engineering Consultants to present to the Commission or any board in town if it is working for the Town reviewing the CM&D new facility compliance with its OOC. Michael stated the Commission was in possession of a letter from the Town Administrator (Dennis Lutrell) in 2006 where the Board of Selectmen had approved consultants for “special municipal employee” status where, if the consultant worked under 800 hours in a year, the consultant was exempt from the conflict of interest laws. The Commission discussed previously that GLM was thought to be

working under this premise. The Commission also noted that GLM has never been paid by the Town or billed the Town for any services for CM&D. Susan stated that the BOS office could not find a record of the BOS approval of this status. It was discussed that it would be useful to the Commission to confirm that this status was in place. Susan agreed to pursue this further with the BOS.

Approval of Minutes- December 17, 2009

Steve moved that the Commission approve the minutes as amended. This was seconded and accepted unanimously.

Approval of Annual Report for 2009

Steve moved that the Commission approve the report as amended. This was seconded and accepted unanimously.

Agent/Administrator's Report

Dates to remember:

- February 27, 2010 @ 9:00 am- MACC Annual Conference- Bridget asked all the Commissioners attend if possible. In addition, get together with other Commissioner to see what classes they are taking, in order for the Commission to maximize its knowledge.
- February 1 and 2, 2010 in Springfield and Quincy- Public Comment for hearing on the CSX Transportation Inc. for the Vegetation Management Plan; Bridget stated if anyone would like to attend to make public comment, please do so.
- In 2010- NSTAR vegetation management plan for Right-of-Way for 2010; Bridget stated the plan is available for review in the Conservation office.
- February 8, 2010 @ 10:00 am- Public Records Seminar; Bridget asked a few Commissioners attend in order to report back to the other Commissioners at the next meeting and answer questions of those who did not attend.
- 2010 Meeting Schedule- Distributed by Bridget, she stated that the schedule is good though June 2010, when the Commission will have to comply with new open meeting laws by posting the agenda with the meeting time. It was also mentioned that Bridget would like to hold an additional 1-2 hour meeting the first week of the month, so we can avoid long meetings

Updates and Reports:

- Start thinking of proposals for changes to our regulations- Bridget has a few she would like to propose and she asked that other Commissioners submit any changes they would like to make to the regulations.
- Update and discussion on request for emails – Bridget reported she gave the emails to Dan Keyes.

- Agricultural exemption review- Bridget provided some information from another Commission for the Commission’s review. Michael noted that it did not address how to practically keep track of the existence of exempt agricultural activities. It was discussed that further research into possible ideas from other commissions be pursued.
- Mayo Farm riding ring – Bridget reported there was a question of whether the Mayos had created a new riding ring in the buffer zone to Course Brook. Bridget stated that from the aerial photos the riding ring has been present since at least since 2003. The Commissioner asked her to talk to Scott Mayo to see if she can make a site visit.
- Set up an email and communication plan for the Commission – Bridget requested that less emails be sent between the Commission and herself. If important, it can be discussed at a meeting; if administrative, then can call or come into the office. Bridget reported she needed more help and support from the Commission. She requested that some Commission-related problems or concerns could also be addressed by a Commissioner and herself, not left solely on her plate. She voiced that a more teamwork attitude would work better for the Commission.
- Post our Conservation Land Regulations in the paper – Bridget reported that she had received complaint call from residents about snow mobiles. She will be asking the Dover/Sherborn Press to post our Town Land Regulations in the Community Notes for a reminder to the residents of Town Land permitted and restricted uses.
- Salt Policy – Bridget reported she found the Town’s salt policy and gave copies to the Commission, Ed Wagner, and Dan Keyes for review. She states she will set up a meeting about the salt policy requirements with Ed Wagner. The policy was adopted by the Board of Selectmen in 2005.
- New Website links for Conservation review – DEP compiled a list of websites that are beneficial to the Conservation Commissions and their Agents when reviewing projects.
- New Access database for Conservation – Bridget reported she has been researching a new software application that Bertrum Consulting has engineered for Conservation Commissions to track permit and allows a more efficient and productive work environment. She will request a presentation by the company’s president, Paula Bertrum.

Approval of Determinations for 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>
207 South Main Street	Proposed addition to a barn	NEGATIVE
92 South Main Street	Installation of Septic System	NEGATIVE 3
86 Coolidge Street	Proposed addition to existing dwelling, installation of new bulk head and removal of trees	NEGATIVE 3

45 South Main Street	Soil Testing	NEGATIVE
34 Greenwood Street	Ratify Enforcement Order	RATIFIED
4 Western Ave	Certificate of Compliance (283-178)	GRANTED*
4 Western Ave	Certificate of Compliance (283-240)	GRANTED*

Susan recused herself, she is an abutter of the property and volunteers for the Fire Department. Michael moved that the Commission grant Certificate of Compliance's for both OOCs subject to Bridget's site visit and inspection of satisfactory removal of debris which is located in the buffer zone from the original removal of the building. This was seconded and accepted unanimously. Michael then moved that the Commission waive the associated fee in order to extend support for the volunteer Sherborn Fire & Rescue Association. This was seconded and accepted unanimously.

Adjournment: Steve moved to adjourn the meeting at 11:45 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