Conservation Commission

19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770
March 18, 2010
Sherborn Town Hall
7:30 P.M.
Minutes of the Meeting

Members Present: Will Willis, Michael Lesser (Acting Chair), Bridget Graziano (Agent/Administrator), Andrea Stiller, Carl Shedd, Robert Eckert

Members Absent: Susan Tyler, Steve Gaskin

Guests: Dave Stowe, Dick Cugini, Pete Meagher, Bob Barnacle, Bob Bois, Adam Broskey, Scott Morrison, Barbara Keene (Tree Specialists), James & Keisha Lifton Charles Siegal, Jim & Thurza Campbell, Sandy & Karen Lane, Ed Wagner, Todd Derr

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

Discussion (pre#1) – Pre-Golf Course Review

The Commission discussed the sampling report submitted by Sassamon Trace Golf Course and what changes are being requested of the Commission. Bridget stated that the reports were submitted on time this year, but do not have all required components as required in the Order of Conditions. Michael explained that Bridget has put out RFP's from three local consultant firms that have some expertise in Golf Course sampling reviews. Rob stated that there are major changes to the sampling regime being requested, and the Commission should ask for a peer review by a hired consultant. Sassamon is asking for a change in the amount and timing of sampling and that Tee #4 changes from organic to IPM. The commission reviewed the consultant's proposals, the cost analysis from Natick for the yearly sampling, and the requests from Sassamon for new changes.

Discussion #1– Bob Bois- Sassamon Golf Course sampling round for October 2009

The Commission is in receipt of the golf course's 2010 Management Plan. Representatives of Sassamon Trace voiced that they felt the required water quality testing and other testing should be eliminated and a new testing regime be put into place, to reduce the cost of sampling. In addition, the golf course is asking that tee #4 be changed from organic management to IPM Rob explained that the Commission members who originally implemented the original Order of Conditions (OOC) and Sassamon Trace had agreed to conditions in perpetuity; the Commission would need an expert to verify that relaxing the current conditions would not have a negative effect on the environment. He further explained that an ongoing condition should not be requested to be removed, as the idea of an ongoing condition is that it is forever unless the use of the property changes. This may set a bad precedent for other residents, who are subject to ongoing conditions, and therefore, our determination of the change would need to be based on creditable evidence. The Commission discussed if Sassamon would consider hiring a consultant at our request to conduct a peer view as allowed for in the OOC, conditions #61b. Michael explained that the Commission would need a qualified expert to present information to the Commission, based on the past years' sampling reports and technical information, about whether the testing could be reduced, changed or eliminated. In this way the Commission would be basing their decision on creditable analysis and evidence. The Commission determined that a sub-committee should be formed to draft a scope of work for a technical consultant to review the golf course reports and the golf course's requested changes. Bob Bois said he would be work with the sub-committee on the scope of work. Bridget stated she would help form the sub-committee and work with Bob to set up meetings.

Discussion #2 – Town Easement Outfall Management (Stormwater)

An RDA plan was submitted for the March 4, 2010 meeting, but the Commission requires more comprehensive information regarding the outfall and the yearly management. The outfall pipe has been jetted (cleaned of sediment) and debris was removed from the spill way of the outfall on the Natick/Sherborn line. Bridget explained that she asked Ed Wagner to re-propose the plan for cleaning, maintaining, and improving the storm water system for the town easement at 25 Meadowbrook Road. Rob Eckert had spoken with Dan Keyes, after visiting Sandy & Karen Lanes property the weekend of a rain storm to discuss CM&D presenting a plan for this outfall maintenance to the Conservation Commission in order to address the ongoing problems with this site. Karen & Sandy Lane presented that they have been experiencing water backing into their basement from the outfall, which is conneted by a pipe to their basement. The Lanes stated that they are experiencing the flooding of their basement due to the house being tied into the town's outfall line. The Lanes explained they did not tie into the town pipe, but the builder who constructed the house did, which is thought to have been approved by the building inspector, since occupancy was granted. With the recent increased amounts of rain, the outfall is currently, under water and still backing up into their home. Michael stated that although we are sympathetic to the situation, engineering a solution to the problem is not within the Commission's jurisdiction or expertise. Bridget stipulated that our jurisdiction is to make sure the town properly maintains the storm water system, so as

not to harm the wetland resource area, and this is why we have asked CM&D to present a plan for proper management of the outfall, to prevent sediment from entering the wetland (resource area).The Lanes had recently asked Ed Wagner and the Town to have a backflow valve installed on the line to prevent the water from the outfall from entering the Lanes home. Ed Wagner explained to the Lanes that he would not place a backflow valve on the drainage pipe, because it is not the town's responsibility to do so, since the basement drains are tied into the town's line. The Commission suggested the Lanes speak with other Town entities (such as maybe the Board of Selectmen) in order to help them determine who is responsible for the drain pipe. The Commission asked Ed Wagner to work with Bridget to develop a prior RDA submittal for the outfall. Ed agreed.

Discussion #3 – Proposal to work in buffer zone at 175 Maple Street presented by Eco Tec

Adam Broskey, Attorney and Scott Morrison, Wetland Scientist from EcoTec presented for 175 Maple Street, the Lifton's property. The project consists of the demolition of a portion of the existing dwelling, construction of a larger addition to the house, and the removal of the existing driveway, the removal of soil and re-grading approximately 2000 sq ft. for a below grade garage and a new driveway with new retaining walls - all proposed within the 50-100' buffer zone to a wetland resource area. Since the project requires several conditions and the Commission wants to protect the buffer zone during construction activity and post-construction runoff effectively, the Commission determined that the proposal is a positive determination and requires a Notice of Intent. Michael moved that the Commission give positive determination to the project because of the scope of work in the buffer due to the definition of the project as presented. The Commission stated the following findings for a positive determination:

1. The Commission would need to impose conditions in order to protect the interests of the Act. The Wetlands Protection Act Regulations 310 CMR 10.53 (1) General Provisions: If the issuing authority determines that a resource area is a significant interest identified on M.G.L c. 131 sec. 40 for which no presumption is stated in the preamble to the applicable section, the issuing authority shall impose such conditions that are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interest of the Act identified for the adjacent resource area.
2. Similarly, the Commission would need to impose conditions in order to protect the interests of the Sherborn Wetlands Bylaw Chapter 17, Section 1, as well as the under the Sherborn Wetland Regulations as the project was found to not meet the criteria for a "minor project generally" under Section 5.2.1(a) due to the scope of the project as discussed below. 3. The project site exhibits unusual characteristic of a "steep slope" adjacent to a resource area. The estimated slope for the 0-50' inner buffer zone is about 20% and for the 50–100' outer buffer zone is about 15%.
4. The Commission recognizes that there will be a significant amount of construction activities in and via the buffer zone, though the full extent of and plan for the work is not known (such as for new foundations and retaining walls). These include all aspects of demolition, foundation work, grading, and stabilization of earth during retaining wall construction with a hydraulic push, and dwelling addition construction. The plan estimates approximately several hundred cubic yards (likely more than 200 cubic yards) of soil removal over an area of approximately 2,050 sq ft in the buffer zone with finished grades up to about 6 feet lower than existing grades. Approximately 300 sq.ft. of the

Comment [MCL1]: I'd rather delete this rather than add all the other specific that should be there if we are going to list specfics.

existing dwelling would be demolished (and possibly its foundation) in the buffer zone. The new foundation work consists of which about 464 sq.ft. within the buffer zone and construction of 2-story dwelling addition mostly in and accessed from the buffer zone.

5. The project site drainage characteristics are such that all run-off from the site enters a resource area, via the natural topography and an on-site existing catch basin in the buffer zone that spills directly into a resource area. The project site's post-construction drainage characteristics into the resources area need addressing, including run-off from re-graded areas and new impervious surfaces (dwelling and driveway) in the buffer zone.
6. There will be significant alteration of parts of the buffer zone, including possible tree cutting as well as increased impervious area of 307 sq.ft (this number is minus the existing impervious amount that will be demolished and then reconstructed), during the project. The post-construction restoration and management of this area in order to protect the resource area needs to be better addressed.

Discussion #4 – 32 Pleasant Street (a.k.a 195 Western Ave) Silverwood Farm

Bridget and Michael completed a site visit to Silverwood Farm and discussed possible best management practices during and post-construction. This application was submitted as an RDA. Silverwood Farm proposed to construct a barn for the CSA operation starting this summer with the roof run-off being captured for irrigation, an irrigation pond, and improvements to the farm access road. Bridget stated that the barn is outside the buffer zone on Land in Agricultural Use, and the irrigation operation falls under the agricultural exemption. She explained that the driveway improvements are necessary to running the CSA farming operation, safely. The Commission voted this determination as a Negative 5 finding that this project falls under the Wetlands Protection Act exemption 310 CMR 10.04 agriculture, for all proposed activities.

Discussion #5 – 34 McGregor Drive Planting plan

Thurza Campbell of Timeless Designs submitted a proposed landscaping plan for 34 McGregor Drive. The Derr's (owners of 34 McGregor Drive) recently received an approved Order of Conditions to install a replacement geo-flow septic system in the buffer zone to two resource areas. One of the conditions was that the landscaping plan would be approved by the Commission prior to planting to ensure the vegetation is native. Bridget explained she reviewed the planting list and plan, all species were either indigenous to this region or were used for ornamental landscaping, and were introduce to the US in the 1700's/1800's. The species are widely used for landscaping in the US, such as rose's and hydrangeas. She further explained that the plants are not part of mitigation and are to be planted close to the house and along the walkway. The Commission approved the plantings as proposed based on the fact that the species were not invasive and are not on the Massachusetts prohibited planting list. Bridget agreed to write a letter of the approval.

Discussion # 6 – Conservation Commission adopted Email Policy

Rob stated that he and Bridget had asked Carol Marple for the town department email policy. Carole replied that Town Counsel was working on one, and the Board of

Selectmen would release it, when approved. Bridget drafted a breakdown of how the Conservation Office deals with emails. The Commission was asked to review and offer comments.

Discussion #7 – 237 Washington Street (added to agenda per request of the Agent)

Bridget presented a letter from Town Counsel advising the Commission to not record the Enforcement Order on Mr. Recine's Property. The Commission did not want to go against the advise of Town Counsel. It was discussed what options are available for enforcement. Rob moved to not record the enforcement order based on Town Counsel's advice. The motion was seconded and accepted unanimously.

The Commission asked that Bridget speak with Town Counsel about the Commission's enforcement options for going forward since imposing fines are not an option. Rob agreed to work with Bridget and Dan Keyes, Town Administrator on this matter.

Approval of Minutes

Michael moved that the February 18, 2010 minutes with edits be accepted. This was seconded and accepted unanimously. Michael moved that the March 4, 2010 minutes with edits be accepted. This was seconded and accepted unanimously.

Administrator's Report

- Stormwater Management – Compliance with new Regulations for 2010 – Bridget asked the Commission to read the changes and become familiar with the new process. She also stipulated that there was a comment period for the state until the end of the Month (April). If anyone would like to offer comments to the draft, please submit to her.
- Letter from MA Department of Agricultural Resources regarding 111 Coolidge Street-
- Changes in Budget for FY11 – Bridget asked the Commission review the changes as of by the Town for all department to offer reductions in their budgets
- 113 Western Ave – New Farming Operation – Peadar Hardiman will be proposing a farming operation and has been working with Bridget to file with the USDA, DEP, and Sherborn Conservation Commission
- Land Management at Hidden Meadow – Bridget contacted Patrick Keene and Ed Barry about yearly mowing. She has scheduled site visits.
- Regulation changes – Bridget would like to propose some changes to the regulations
- Two monthly meetings, except April 2010 – Bridget asked the Commission to continue two meetings a month. However, she cannot attend if there are two scheduled for April so one meeting in April was decided.

Comment [MCL2]: Did we discuss Recine and did we discuss that we were not going to record an EO (not a vote) or did we do this in meeting before???

Approval of Determinations

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

Address	Description of Work	Findings
175 Maple Street	Proposed addition and re-grading of driveway with new impervious driveway	POSITIVE
178 Farm Road	Soil Testing	NEGATIVE
11 Washington Street	Proposed Addition and Soil Testing	NEGATIVE
22 Great Rock Road	Tree removal and Native planting	NEGATIVE 3
32 Pleasant Street	Proposed barn, farm access improvements, and irrigation system	NEGATIVE 5

Adjournment: Michael moved to adjourn the meeting at 11:30 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