

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

August 5, 2010

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members: Michael Lesser, Rob Eckert (Chair), Susan Tyler, Will Willis

Members Absent: Steve Gaskin, Andrea Stiller,

Guests: June Outlette, Trish Twining, Charles Young (and one person whose name was illegable on the sign-in sheet)

Call to Order: Rob called the meeting to order at 7:01 P.M.

Request for Determinations

193 Forest Street: Applicant is proposing to complete remediation work for removal of soil contaminated with lead. Charles Young of Norfolk Ram Group was present to represent the applicant. Norfolk Ram requested to have this clean-up project deemed an emergency and the Commission to issue an Emergency Certification. Bridget presented the project with her findings, which included that some of the work would be in wetlands and most of the work in the buffer zone. The Commission discussed the work to remove debris and contaminated soils from the site in the wetland and buffer zone may be done under an Emergency Certification with an after-the-fact Notice of Intent. Mr. Young explained the process for soil and debris removal. Mr. Young requested to continue to next week so the Commission could complete a site visit and would send a 21-day waiver to the Agent, for the continuance. The Commission and Mr. Young agreed to continue the meeting until a special meeting after a Commission site visit, tentatively scheduled for Thursday, August 12th, 2010. Mr. Young agreed to provide additional written project description before the next meeting.

41 Old Orchard Road: Applicant proposes to complete soil testing in 50-100' buffer zone of freshwater wetland. Determination was continued in order to hold a site visit. Applicant's representative had signed a 21 day waiver.

115 Maple Street: Applicant proposes to construct a dog training area with sand and pile wood. No one was present representing the applicant. Based upon the Agent's report the Commission voted to support a Negative Determination for construction dog training ring. Vote 4-0

[Bridget noted that this was not added to the Agenda for 48 hours posting, however, it was posted in the local paper 5 days prior to the meeting.]

320 Western Ave: Applicant proposes to install a replacement septic system. No one was present representing the applicant. Based upon the Agent's report the Commission voted to support a Negative Determination for construction of septic system.

CM&D Road Maintenance:

The applicant is requesting permission to complete routine road maintenance on Western Avenue from Washington to Whitney Street, Pleasant Street, and Snow Street. Based upon the Agent's report, the Commission voted to support a Negative 3 Determination. Vote 4-0

Certificate of Compliance

[Bridget noted that this was not added to the Agenda for 48 hours posting. Commission agreed to hear the request, since the meeting was properly posted.]

53 Woodland Street

No one was present to represent the applicant. Based on the Agent's report, the Commission voted to support a complete issuance of a Certificate of Compliance. Vote 4-0

Applicant requested the Certificate of Compliance fee be waived due to the fact this was their second filing for a Certificate of Compliance because applicant had not met all the conditions when the first CoC was requested in December of 2009. The Commission discussed waiving the fee and found that they have never waiver a fee due to non-compliance with an Order of Conditions and the applicant having to re-file for a Certificate of Compliance. Rob moved to deny waiving the fee, Will seconded. Vote 4-0.

Discussions

Discussion 1- 108 Coolidge Street new farming operation

June Oulette presented history of the land. Bridget (Agent) stated she had received a complaint for work taking place in wetland. Bridget completed a site visit where she identified a wetland resource on the property. There are two items before the Commission: (1) tree farming operation and (2) soil disturbance in wetland/buffer zone. Rob stated that the applicant is not required to file a Request for Determination of Applicability (RDA), but if she would like the Commission's formal review of whether her farming activity is within a wetlands-related jurisdiction then Ms. Oulette may file an RDA. For soil disturbance in wetland, it was suggested that Ms. Oulette hire a wetland scientist to complete wetlands delineation to determine what wetlands-related areas were altered. Then the Commission could determine how much restoration would be appropriate. Bridget will call Ms. Outlette to work out RDA process.

Discussion 2- Procedures for Amending an Order of Conditions

Bridget presented what the procedures are for amending an Order of Conditions under the Sherborn Wetlands Bylaw. It was stated that the Massachusetts Wetlands Protection Act does not address amending the Order of Conditions. Bridget handed out the DEP policy for amending an Order of Conditions. Rob stated that the Order of Conditions standard conditions states that if there is a change you must come before the Commission. The Commission discussed how to deal with applicants and changes to plans with regards to the Order of Conditions.

Discussion 3- 46 Greenwood Street Violation

The Agent presented findings from a site visit at 46 Greenwood Street where erosion controls had been run over by machinery and soil had been deposited in the 100' buffer zone of a vernal pool habitat. Commission will visit the site.

Approval of meeting minutes

Meeting minutes of July 15, 2010 were reviewed, edited, and approved as amended. Vote 3-0. Will abstained because he was absent from the last meeting.

Administrator/Agent Report

Forestry Activity at 23 South Main Street - Bridget reviewed the criteria for a private land owner to be exempt from the Wetlands Protection Act for forestry activities. It was noted that the Commission is supposed to receive copies of all forestry plans.

NSTAR Transmission Line-Bridget updated the Commission on her site visit with Sharon Cushing from NSTAR for activities at 47 Everett Street related to the replacement of cross arms on an existing transmission line.

New Open Meeting Law - Bridget review the new open meeting law changes that affect the Conservation Commission

65 Farm Road

Commission asked Bridget the status of Ms. Elias removing the fencing along Farm Road. Bridget stated she is working on hiring someone. The Commission will remove if she cannot.

111 Coolidge Street

Rob updated the Commission on a new July 31, 2010 letter from Al Michaud. Rob will reply to the letter, but he found nothing in the letter that changes the finding stated in his response to Al's previous letter.

Documents Presented at the Meeting

1. Agent site visit notes and Pictures from 108 Coolidge Street to be kept in the folder with the corresponding address (Discussion #1).
2. Sherborn Wetlands Regulations -Procedures for amending Order of Conditions, Section 5.8 (page 24-35) located in the Sherborn Wetland Regulations and Amending Order of Condition Section 12.10 in the MACC handbook page 226-227 (Discussion #2).

3. "Plan of Land for 46 Greenwood Street", date February 11, 2010, approved plan w/RDA, Agent site visit notes, and pictures to be kept in the folder with the corresponding address (Discussion #3).
4. 23 South Street Forestry Cutting Plan to be kept in the folder with the corresponding address (Admin/Agent report).
5. "Open Meeting Law" Chapter 39 Section 18-25, Open Meeting Law Guide, dated July 1, 2010, and Executive Session quick index Guide to be kept in the Town Clerks Office and a copy in the Conservation Commission Office (Admin/Agent report)..
6. Letter dated July 31, 2010 from Al Michaud of 111 Coolidge Street to be kept in the folder with the corresponding address (Admin/Agent report).

Adjournment: There being no other business, the meeting was adjourned at 9:28 P.M.

Respectfully submitted,

Bridget Graziano, Administrator/Agent
Sherborn Conservation Commission

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