

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 2, 2010
Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

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

Members Absent: Rob Eckert, Will Willis

Guests: Trevor Thomas, Kelly McClintock, Bob Drake, Eliot Taylor, Joseph Phillips

Call to Order: Steve called the meeting to order at 7: 05 pm.

Requests for Determination:

41 Old Orchard Road- (Proposal to perform soil testing continued from 8/5/10 & 8/19/10)- The applicant was not present. Ms. Graziano recommended waiting until the October meeting in order to receive more information from Paul Saulnier, whom the Commission requested attend next meeting. Mr. Saulnier is not available to attend until the October meeting. The applicant has signed a 21-day waiver allowing the determination's continuance. Mr. Gaskin moved to continue the RDA for October 21, 2010. Ms. Tyler seconded and it was voted 4-0.

127 North Main Street- (proposal to install replacement septic system)- The applicant was not present. Ms. Graziano stated that in the proposed project, the limit of work is located 120 ft from an intermittent stream and 130 ft from Bordering Vegetated Wetland, therefore, she recommended a negative determination. Mr. Gaskin moved to accept the Agent's negative determination. Mr. Lesser seconded and it was voted 4-0.

31 Old Orchard Road- (Proposal to install chimney and replace existing landings)-

Robert Drake of Drake Associates was present to represent the applicant. Ms. Graziano reported that one of the two landings is within the 50 ft no alteration zone of the 100' buffer zone and would take place adjacent to the existing house in altered buffer zone. The Commission discussed changes to the erosion controls for better protection of the wetland resource. Ms. Graziano recommended a negative 3 determination, based on the minimal extent of proposed work. The Commission agreed upon three simple conditions to be associated with the project in order to protect the wetland resource during construction. Mr. Gaskin moved to accept the negative 3 determination with conditions discussed. This was seconded by Ms. Stiller and voted 4-0.

15 North Main Street- (Proposal to install new well)- The applicant was not present.

Ms. Graziano stated that the new well is located outside of the Commission's jurisdiction; therefore, she recommended a negative determination. Ms. Graziano noted that the applicant had applied to abandon the old well; however, it cannot be located in the field at this time and therefore was removed from the request by the Applicant and her representative. The applicant agreed to re-file when the well is located. Mr. Gaskin moved to accept the negative determination for installation of the new well only. Ms. Stiller seconded and it was voted 4-0.

39 Harrington Ridge Road- (Proposal to replace a Distribution box)- Trevor Thomas,

the applicant, was present. Ms. Graziano stated that there are wetland resources within 300 ft of the project and she recommended a negative determination. Mr. Gaskin moved to accept the Agent's negative determination. Ms. Stiller seconded and it was voted 4-0.

58 Oldfield Drive- (Proposal to demolish barn and install new barn with fencing)-

The applicant was not present. Ms. Graziano reported that the applicant had not provided her information she had requested prior to the meeting with regard to the location of new fencing, horses, and manure storage. She then stated that she would recommend the project for a negative 3 determination (provided that fence location is where the property owner said it would be to the Agent). Mr. Lesser noted that the project lies on altered buffer zone and no foundation is being put in; if these conditions were different, the project may not have been permitted under a negative 3. Mr. Lesser moved that the Commission accept the negative 3 determination, subject to a revised plan showing fence location as verbally stated. Mr. Gaskin seconded and it was voted 4-0.

Enforcement Order- 46 Greenwood Street- Ratify

Ms. Graziano reported that David Parrish agreed to submit a planting plan to the Commission for remediation of a violation at 46 Greenwood Street. This was authorized by the Agent under an Enforcement Order. Mr. Lesser moved that the Commission ratify the enforcement order based on the discussion of this property at

the August 19, 2010 meeting and conditions of the Enforcement Order discussed therein. Ms. Tyler seconded and it was voted 4-0.

Discussion 1- 20 Jackson Road Amend Order of Conditions approved plans (continued from the 8/19/10 meeting)

Joe Philips was present as the applicant and property owner to discuss an amendment to the Order of Conditions. Mr. Philips was returning to get permission to remove 10 trees from the buffer zone. He passed out a detailed memo that explained the recent reductions of impervious surface, relocation of driveway to outside the 100' buffer zone, and he pointed out that he will still complete all the original mitigation. Ms. Graziano stated that she had looked at the trees and about 3 of the 10 trees meet the criteria for dead or threatened tree (defined in the Sherborn Tree Manual). Additionally, Mr. Philips agreed to plant some native vegetation to the buffer zone. Mr. Gaskin stated that he finds that the removal of those trees is sufficiently mitigated by their partial replacement with river birch and native plantings, plus extensive in approved Order of Conditions. Mr. Gaskin moved that the project constitutes a minor change to the original approved project. Mr. Lesser seconded and it was voted 4-0. Based on that finding, he moved that this change is part of the part of the minor change to the Order of Conditions, approved on 8/19/10. Ms. Stiller seconded and it was voted 4-0.

Discussion 2- Possible membership on the Commission- Kelly McClintock

Kelly McClintock expressed his interest in joining the Commission. The Commission agreed to interview candidates and vote at the next meeting.

Discussion 3- 9 Ward Lane letter and abutter letter

Ms. Graziano stated that she was asked by Ms. Tyler to re-discuss this subject at the next meeting. Ms. Graziano asked the Commission to re-approve the two letters she drafted with regards to (1) the Commission addressing a resident complaint of wetlands violation at 9 Ward Lane and (2) the notification of abutters of the same wetland resource, to cease the historical dumping of landscaping debris within wetland and buffer zone. Mr. Gaskin and Ms. Stiller stated they had reviewed the letters and made edits accordingly. The Commission agreed the letters should be sent out with submitted edits.

Discussion 4- 86 Brush Hill Road amend approved plan for RDA

Ms. Graziano asked whether the Commission would like to review projects where applicants are proposing changes to an approved Negative Determination (for a filed Request for Determination of Applicability (RDA)) that meets the three year statute of limitations for permitting and is proposed to remain outside Commission jurisdiction. The Commission felt that they do not need to review RDA changes if the changes are found by the Agent to be outside our jurisdiction unless it is

required under an Order of Conditions, in which case the applicant is required under the Order to submit all changes to the Commission prior to implementation. The Commission reviewed the changes for 86 Brush Hill Road, where Ms. Graziano stated the changes to the approved Determination were not located in our jurisdiction. Therefore, the Agent is free to approve the change, but must note the change in the original RDA.

Discussion 5- 74 Washington Street amend approved plan for RDA

The Commission discussed strategies to ensure that each project's plans are consolidated into one plan indicating all proposed work in the site in an effort to better understand the project in relation to wetland resources.

Discussion 6- Forestry Cutting Plan for River Farm

Ms. Graziano read the proposed conditions for the River Farm Forestry Cutting Plan to the Commission. The Commission agreed the conditions proposed were satisfactory, and after with the Chair's approval should be sent out .

Discussion 7- Buffer Zone Restoration Guidelines

Ms. Tyler pointed out that the Commission could institute a formula for minimum levels of buffer zone restoration. This formula would be applied to projects where applicants are proposing to remove or alter buffer zone vegetation. Ms. Graziano stated she had been sent the Framingham Conservation Commission guidelines and used this to draft one for Sherborn. The Commission agreed to work on this approach and test it out.

Approval of Minutes August 19, 2010- The Commission decided to postpone edits until the next meeting.

Administrator's Report

- MACC fall conference and classes- Ms. Graziano reported that the Annual Fall conference will be held at Massachusetts Bay Community College and that members are encouraged to attend.
- Search for a new member- See Discussion 2
- Sign approved Amended Order of Conditions for 56 Greenwood Street- Ms. Graziano explained that at the July 1, 2010 meeting the Commission approved a minor amendment for this property and voted to record the Amended Order of Conditions at the Registry of Deeds. She explained that they need an original signed OOC to record the Order or a certified copy. Mr. Gaskin moved the Commission sign the Amended OOC for 56 Greenwood for

recording at the Registry with Amendments. Mr. Lesser seconded and it was voted 4-0.

- NSTAR routine access road repair- Ms. Graziano reported that NSTAR is claiming exemption from Massachusetts Wetlands Protection Act and the Sherborn Wetlands Bylaw for utility repair. She stated that she is going to make a site visit to offer comments to NSTAR. NSTAR is still required to follow Best Management Practices when working close to wetland resources.

Adjournment: There being no other business to attend to, Steve moved to adjourn at 8:30 P.M. Susan seconded and it was voted 4-0.

Respectfully submitted,

Suzanne Trainor
Minutes Clerk

Documents Presented at the 8-19-2010 Public Meeting

All documents shall be kept in the Conservation Commission Office files

1. 46 Greenwood Street Enforcement Order, dated August 24, 2010
2. “Proposed Site Plan 20 Jackson Road Sherborn, MA” by GLM Engineering Consultants, dated 9/27/09, revised 10/16/09 & 8/19/10.
3. Memo titled, “20 Jackson Road” by Joseph Philips, dated September 2, 2010
4. Site Visit Letters drafted by Bridget Graziano, dated September 7, 2010 for 9 Ward Lane and abutters.
5. Letter from Nancy Holland of 9 Parks Drive to Conservation Commission, dated July 12, 2010.
6. Plan for 86 Brush Hill Road, no title, no dates for the original building proposal & new building proposal.
7. Plan titled, “Septic System 74 Washington Street, Sherborn” by Paul Saulnier of CIVILized Solutions, dated, 6/1/2010 & revised 8/23/10.
8. Topographic plan titled” 74 Washington Street , Sherborn, Mass” by Applewood Survey, dated 6/28/10 with hand drawn revision by David Parrish.
9. Map Titled, “Property of River Farm Realty Trust” , by David Carter of Minuteman Environmental.
10. Framingham Conservation Commission “Buffer Zone Guidelines” revised and edited for Sherborn Conservation Commission by Bridget Graziano.
11. David Parrish 56 Greenwood Street Amended Order of Conditions, July 1, 2010 the original issued September 20, 2004.