

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 15, 2010

Sherborn Town Hall

7:30 P.M.

Minutes of the Meeting

Members Present: Michael Lesser, Steve Gaskin, Susan Tyler, Rob Eckert, Will Willis, and Bridget Graziano (Administrator/Agent)

Members Absent: Andrea Stiller

Guests: Kelly McClintock, Matt Mayo, Alex & Laura Weatherall, Jane Elias, Chris Tobin, and Thomas Wirth

Call to Order: Rob called the meeting to order at 7:32 pm.

Requests for Determination:

65 Farm Road (Proposal to remove and re-erect fencing)- Jane Elias, the property owner, was in attendance. The proposal is to erect fencing 10 ft from the outer ring of the bowl-shaped depression that serves as a pond. Ms. Graziano noted that this area has wetland characteristics and should be considered a wetland resource. Ms. Elias and the Commission discussed the location of the fence gate with relation to the wetland and it was decided to amend the proposed plan and move the gate for better access to Conservation land. It was found that the proposed work will not affect the wetland resource negatively, and the Agent recommended a finding of negative 3 with conditions. Mr. Lesser moved to accept the Agent's recommendation. This was seconded by Mr. Eckert and voted and approved 5-0.

132 Nason Hill Road (Proposal to construct new front entrance, steps, walk, and retaining wall)- No one was present to represent the applicant. Ms. Graziano reported that there are no wetlands near the site and recommended a negative

determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted and approved 5-0.

93 Eliot Street (Proposal for landscaping with walkways, tree removal, tree planting, and installation of fencing)- Mr. Wirth, of Thomas Wirth Associates, appeared before the Commission to represent the applicants, Mr. & Mrs. Nee. Mr. Wirth presented the plan and new changes from original submitted plan. Ms. Graziano stated that given the significant amount of work to be done in the buffer zone to a resource area of regrading and a significant amount of landscaping, she recommended a positive determination. The Commission discussed if the project could be permitted under a negative-3 determination so that conditions could be put in place to protect the wetlands while still allowing the project to move forward, since a majority of the work would be an improvement to the buffer zone. Mr. Wirth proposed to add information required by the Commission to the plan, The following items shall be added: (1) access to project site on the plan, (2) erosion controls, (3) areas specified by the plan adjacent to lawn should be naturalized, (4) native plants must be approved by the Agent on behalf of the Commission, and (5) 6" openings in the bottom of the fence must be left for turtle movement. The conditions are 1) machinery and stockpiling must occur outside the buffer zone, 2) invasive removal must be done using methods approved by the Agent, who will also choose the extent of the removal and the times of the year in which they will occur, and 3) adequate erosion control and limit of work. Mr. Lesser noted that the plan's restoration of lawn into native planting beds constitutes mitigation. Mr. Lesser moved that with the three conditions and when revised plans are submitted to the Commission the project is approved as a negative 3. Mr. Gaskin seconded and it was voted and approved 5-0.

58 Oldfield Drive (Proposal complete demolition of barn and reconstruction of new barn, Continued from 9/2/2010)- No one was present to represent the applicant. Ms. Graziano presented an updated plan to the Commission and recommended a negative 3 determination. Based on measurements taken during a site visit to the vernal pool, the limit of work is 190 ft from the vernal pool, and the barn will be constructed outside the 100' buffer zone to the vernal pool habitat zone. Mr. Lesser moved that the Commission approve the negative 3 determination. Mr. Eckert seconded and it was voted and approved 5-0.

Discussions

Discussion 1- 36 Farm Road tree removal in riverfront (property owner has been invited to attend)

Ms. Graziano reported that the property owner cut down vegetation in the riverfront buffer zone at approximately 189 feet from the stream. She sent a letter to the owner to let him know that she was going to bring the issue in front of the Commission at the September 15, 2010 public meeting. The Commission agreed

that a Request for Determination is needed for ongoing work within the buffer zone to a perennial stream.

Discussion 2- 21 South Main Street- Laura Weatherall with a proposal for stormwater & erosion control in buffer zone

Alex and Laura Weatherall appeared before the Commission. Ms. Weatherall explained she would like to apply for a Certificate of Compliance (COC) on an expired Order of Conditions. She disclosed that she would be proposing a new project on the site and was advised to close out the open Order before proceeding. The Commission discussed the proposed work for a COC and whether such work would be different under the next new project. The Commission decided to undertake a site visit, and meanwhile the Weatheralls would continue to pursue the nature of a new project.

Discussion 3- Discussion and Vote to recommend candidates for the Commission to BOS for appointment

Kelly McClintock appeared before the Commission as a candidate for the open Conservation Commission seat. Members noted his legal training, familiarity with conservation laws and issues, work with other conservation groups and interest in conservation land management. Ms. Graziano stated that the other candidate, Alex Dowse, was not available to attend the meeting, but would be scheduled for the October meeting.

Discussion 4- 78 Harrington Ridge Road (property owner invited to attend)

Mr. Eckert recused himself from this discussion.

Ms. Graziano reported that she observed trees that had been cut down in the in the buffer zone of bordering vegetated wetland. The Commission discussed the possibility of an enforcement order and recommended that Bridget complete a site visit as scheduled with the homeowner and make a presentation at the October meeting.

Discussion 5- Rising Tide Development Permit Extension

Ms. Graziano reported that Peter Freeman of the Freeman Law Group (Rising Tide Attorney), notified the Commission that Rising Tide Development, LLC is seeking acknowledgement that the current approved Order of Conditions qualifies under the new Permit Extension Act for an automatic extension until October 23, 2012. Mr. Eckert stated that it is not the Commission's job to interpret a new statewide law and he would discuss the matter with counsel (Alan Rubenstein).

Discussion 6- Course Brook Farm proposes to install a wood heating system for farm and it requires cutting of trees (property owner has been invited to attend)

Matt Mayo appeared before the Commission to discuss a new wood heating system for Course Brook Farm. The operation of this system would require wood as fuel. He originally thought some of the wood may be removed from his property, near the horse riding trails. Ms Graziano had concerns that it may be taken from wetlands or their buffer zones. The Commission explained that state wetlands protection laws do not generally permit the removal of from wetland resources and their associated buffer zones. In the Commission's opinion the only location of Course Brook Farm that may qualify for the agricultural exemption under the Massachusetts Wetlands Protection Act is land presently and primarily used in producing an agricultural commodity, which are the hayfields. Mr. Mayo agreed he would not remove trees from wetland resource areas or the associated buffer zones.

Discussion 7- Potential cutting on town land and wetland resource Price Woodland

Ms. Graziano reported that she noticed that the trail head from Price Woodlands exiting onto private property of 14 Everett Street had been enlarged without the Commission's permission. The Commission discussed putting up a sign noting who to contact for trail maintenance.

Approval of Minutes August 19, 2010 & September 2, 2010

Mr. Gaskin moved that we accept both minutes subject to the changes discussed. Mr. Lesser seconded and the motion was voted and approved 5-0.

Administrator/Agent Report

- Cleaning out the archives requested by TA- Ms. Graziano reported that a representative from the Massachusetts Secretary of State Office will be going over what materials should be removed from the Town archives.
- New development with 193 Forest Street Emergency cleanup- This property's emergency certification expires September 23, 2010. The applicant plans to file a Notice of Intent for the completion of the project. The Commission discussed the possibility of a special meeting for the NOI.

Adjournment: There being no other business to attend to, Rob moved to adjourn at 10:41 P.M. Steve seconded and it was voted 5-0.

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

Request for Determination of Applicability

- 65 Farm Road - "Proposal and Acceptance for Trinity Farm" by Brad Mayo Fence Company, dated 8/25/10.
- 93 Eliot Street - " Septic As-Built & Final Grading Plan for 93 Eliot Street, Sherborn, MA by GLM Engineering Consultants, dates 10/22/2007 and "Nee Residence Schematic Plan" by Thomas Wirth Associates, dated 6/28/10
- 58 Oldfield Drive - "Plot Plan of Land in Sherborn, MA by GLM Engineering with hand drawing, dated 9/19/87 and revised by property owner stamped in by Commission on 9/7/10.

Discussion #1:

- 36 Farm Road, Barry O'Donovan – Letter from the Conservation Commission dated September 13, 2010 and pictures taken by Agent on August 31, 2010.

Discussion #2:

- 21 South Main Street Citgo Station – Certificate of Compliance, Proposed Restoration Plan by Laura Weatherall, no date.

Discussion #3:

- Alex P. Dowse- Letter of Interest and Resume, stamped received by Commission September 9, 2010.
- Kelly McClintock-Letter of Interest and Resume, dated September 3, 2010.

Discussion #4:

- Violation Notice to 78 Harrington Ridge Road, Mr. & Mrs. Graage, dated September 9, 2010.
- Assessors Map, Map 2 Lot 82 January 1, 2008.

Discussion #5:

- 59 Whitney Street - Letter from Freeman Law Group to Bridget Graziano, dated August 31, 2010.
- 59 Whitney Street - Draft Letter to Peter Freeman from Alan Rubenstein, dated September 9, 2010.
- Email From Pamela Merrill of Department of Environmental Protection – Permit Extension Act, dated September 1, 2010.

Discussion #6:

- 39 Brush Hill Road Course Brook Farm – Letter from Commission to Matt Mayo, dated September 9, 2010.

Discussion #7:

- 14 Everett Street Pictures taken by Agent, Bridget R. Graziano

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