

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

November 18, 2010
Sherborn Town Hall
7:30 P.M.
Minutes of the Meeting

Members Present: Michael Lesser, Steve Gaskin (Chair), Susan Tyler (left at 8:50 PM), Will Willis, Andrea Stiller, Kelly McClintock, Bridget Graziano (Administrator/Agent)

Guests: Melissa Parker (Norfolk Ram), Susan O'Brien, Stephen O'Brien, Karl Pease

Call to Order: Mr. Gaskin called the meeting to order at 7:30 P.M.

Requests for Determinations of Applicability

42 Oldfield Drive- (Proposal to perform soil testing) - The Agent reported that she located a wetland resource approximately 0-50' from the driveway, where access to the soil testing site will be. She recommended a Negative 3 Determination, because the only use of the (altered) buffer zone is for access to the testing site. The following conditions shall be applied to protect the wetland during testing: 1) the driveway should only be used to access the testing site and no other work 2) machinery shall not be kept overnight within the 100' buffer zone or wetland resource itself, and 3) any soil disruption during access to testing site shall be restored by hand raking. Mr. Gaskin moved to approve a Negative 3 Determination for the soil testing based on the recommendation of the Agent. Mr. Willis seconded and it was voted to approve 6-0.

103 North Main Street- (Proposal to perform dewatering percolation test) - The Agent reported that testing will be within the 90-100' part of the buffer zone and beyond. She recommended a Negative 3 Determination with conditions as follows: (1) straw bales shall be erected on opposite side of driveway and for dewatering area, which shall be approved by agent prior to the commencement of testing, (2) no machinery shall be parked or fueled in the 100' buffer zone or wetland, (3) no trees over 4" in diameter shall be cut or removed before, during, or after testing within the wetland or the 100' buffer

zone, and (4) after testing is completed Conservation Agent will review the damage to the buffer and shall determine if remediation is needed Mr. Gaskin moved to approve a Negative 3 Determination based on the recommendation of the Agent. Ms. Stiller seconded and it was voted to approve 6-0.

103 North Main Street- (Certificate of Compliance)- The Agent explained that the property's septic system is required by the Board of Health to be replaced under Title 5 requirements. The property owners had filed a Notice of Intent (NOI) to replace the system in 2003. The Commission issued an Order of Conditions, (OOC) DEP #283-261, which has expired in 2007 and work never commenced. Furthermore, the OOC may not be extended because it has since expired. Any new work would need a new NOI application. She noted that the old wetland delineation is no longer valid and new observations show a change from the original conditions. The Agent advised the Commission vote to issue a Certificate of Compliance due to an invalid Order of Conditions with no work ever taking place. This will allow a new property owner to submit an NOI for septic system work. Mr. Gaskin moved that the Commission issue the Certificate of Compliance for 103 North Main Street due to an invalid Order of Conditions. Ms. Tyler seconded and it was voted to approve 6-0.

Commission to vote to ratify the following:

193 Forest Street- Ratify Emergency Certification Form

At the November 4, 2010 meeting the Commission discussed issuing an Emergency Certification for this property to install monitoring wells and complete surface water testing to monitor the potential leaching of groundwater contaminants into Farm Pond and surrounding private wells. Mr. Gaskin moved to ratify the Emergency Certification Form, as the Agent had issued the Certification on November 9, 2010 permitting the work. Ms. Tyler seconded. Mr. Lesser asked if MA DEP has commented on the issuance of the Emergency Certification, and the Agent answered it had not. The Commission voted to approve 6-0.

The Commission discussed issuing the following Enforcement Orders:

15 Jackson Road- Enforcement Order

The Agent explained that the property owner is not in compliance with approved Order of Conditions issued August 17, 2006 and therefore cannot be issued a Certificate of Compliance until all required conditions are completed. The current Order of Conditions expired August 17, 2009, therefore any new work should be required under and Enforcement Order issued by the Commission. The Agent is drafting an Enforcement Order to address all conditions that must be complied.

190 Maple Street- Enforcement Order

The Agent stated that she has not issued an enforcement order because she scheduled a site visit with property owner on November 23, 2010 about their recent violation

(alteration of a Bordering Vegetated Wetland and its associated 100' buffer zone). She noted that she spoke with the property owner asking them to cease and desist until the violation is rectified. Ms. Onorato, the property owner, agreed.

Public Hearing

Public Hearing 1- 193 Forest Street presentation by Norfolk Ram representing the O'Brien, Glen, and Tarnell parties

Mr. Gaskin opened the continued hearing, noting that it was first opened on November 4, 2010 for the sole purpose of continuation as MA DEP had not issued a file number for this project at the time of the hearing. Melissa Parker of Norfolk Ram presented. The proposal is for groundwater monitoring, hazardous waste cleanup, and restoration of a Bordering Vegetated Wetland and its associated 100' buffer zone. Ms. Parker summarized the groundwater and surface water testing locations and results with the Commission. Ms. Tyler asked whether green cards from abutters were brought to the hearing. Since they were not, Mr. Gaskin moved to continue the hearing. Mr. Lesser seconded. Upon discussion, the Commission agreed to continue the hearing to December 14th at 8 P.M. as long as the applicant provides the green cards of notification of abutters. It was voted to approve 6-0.

Discussion

Discussion 1- Schoolhouse Lot Farm Lease

The Agent presented the possibility of a license agreement with Silverwood Farm, (owned by Jonathan Hodson-Walker) for the use and maintenance of Conservation Land known as Schoolhouse Lot. The Mr. Hodson-Walker, the managing partner would maintain the land in return for rights to farm a portion of the property. She brought up several concerns with regard to the license that the Commission would need to review before entering into any agreement, such as the need for conditions such as preserving public access, protecting wetland resources (if any) and upholding Conservation Land Policy. The Commission suggested that she continue to pursue this option for a license agreement for maintenance of our land.

Discussion 2- Site visit procedures for Commission and Agent

The Agent explained that property owners will now be given a document to sign giving the Agent and/or the Commission written notice of permission to enter the property for permitting or enforcement. The Commission requested that this item be continued to the December 2, 2010 meeting.

Discussion 3- RDA process

The Commission discussed the review of proposed projects on properties where the Agent has recently reviewed another project on the same property within the past 3 years and has clearly found no wetland present on the property or adjacent properties and how

to address these review under our fee schedule. It was noted that the amount of work may be somewhat lessened by the recent knowledge and therefore may constitute a reduced fee. A hearing will be set up at a later date to finalize these revised fees.

Discussion 4- Permit Extension Act FAQ by Mass DEP review

The Commission postponed this discussion.

Approval of Minutes of November 4, 2010

Mr. Gaskin moved to accept the minutes as amended. Mr. Lesser seconded and it was accepted 6-0.

Administrator/Agent's Report

- **190 Maple Street violation and presence at December 2, 2010 meeting-** See "The Commission discussed issuing the following Enforcement Orders"
- **36 Farm Road Site Visit Update-** The Agent reported that she is in the process of drafting the non-punitive Enforcement Order after a site visit with the property owner.
- **Proposed changes to the regulations for December 14th meeting-** The Agent briefed the Commission on items she would like to address in a hearing on changes to the regulations.
- **Think about Warrant for FY12 and FY 13 for changes to bylaw-** The Agent stated that the Commission should aim to draft warrant proposals as soon as possible.
- **Conservation Land fund raising for Hidden Meadow-** The Commission discussed the cost of maintaining Hidden Meadow.
- **Conflict of Interest requirement for town employees/volunteers-** The Agent requested all volunteers and employees sign the distributed document that you've read the Conflict of Interest Law Summary online and then complete the online training program or attend a meeting by January 2010.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 9:23 P.M. Mr. Lesser seconded and it was voted to approve 5-0.

Respectfully submitted,

Suzanne Trainor
Minutes Clerk

Documents Presented at the November 18, 2010 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Discussion 1: Schoolhouse Lot Farm Lease

- Farm Lease Agreement from Silverwood Farm
- 8.4 Agriculture, pgs.130-132 of the MACC Handbook for Conservation Commissioners

Discussion 2: Site Visit Procedures

- New document for permission to enter private property drafted by Agent
- A Guide to Understanding and Administering the Massachusetts Wetlands Protection Act by the MA Audubon Society, Lincoln, MA pg. 190-198.

Discussion 3: RDA Process

- Wetlands Bylaw Fee Comparison for Boxford and Surrounding Towns

Administrator/Agent Report:

- Conflict of Interest signature document