

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

December 2, 2010
Sherborn Town Hall
7:00 P.M.
Minutes of the Meeting

Members Present: Michael Lesser, Steve Gaskin (Chair), Susan Tyler, Andrea Stiller (arrived at 8:20 p.m.), Kelly McClintock, Bridget Graziano (Administrator/Agent)

Guests: Brian Clarke, Mario Onorato, Joan Onorato, Andy Ericco, and Katharine Sturgis

Call to Order: Mr. Gaskin called the meeting to order at 7:04 p.m.

Requests for Determinations of Applicability

23 Curve Street (Proposal for the construction of an addition) - The Agent reported that there are no wetlands present on or near the limit of work for the proposed project. She recommended a Negative Determination. Mr. Gaskin moved to approve a Negative Determination based on the recommendation of the Agent. Mr. McClintock seconded and it was voted to approve 4-0.

29 Eliot Street (Proposal to demolish/construction of porch) – Brian Clarke, the property owner, was present to discuss his proposal for an addition to an existing dwelling. The Agent presented the project stating that limit of work for the project would be within 88'-100' of the vernal pool habitat zone and within the 100' buffer zone of a vernal pool. She recommended a Positive Determination. Mr. Clarke discussed the project with the Commission. Mr. Clarke requested a continuance on the Determination to amend his proposed plan in order to keep it outside the vernal pool habitat zone. Mr. Clarke stated he will submit a 21-day waiver to continue the meeting discussion until the January 2011 meeting.

Ratifying Enforcement Orders:**15 Jackson Road**

The Agent reminded the Commission of the November 18, 2010 meeting, where issuing this Enforcement Order was discussed, due to non-compliance of a condition in an Order of Conditions. The Agent issued the Enforcement Order on December 1, 2010, in accordance with Commission's discussion. Mr. Gaskin moved to ratify the Enforcement Order issued by the Agent as discussed at the November 18, 2010 meeting, Mr. Lesser seconded and it was voted to approve 4-0

36 Farm Road

The Agent reminded the Commission of the November 18, 2010 meeting, where the property owners were present for a discussion regarding the unauthorized removal of vegetation from the 200' Riverfront. The Agent issued the Enforcement Order on December 1, 2010, in accordance with the Commission's discussion. Mr. Gaskin moved to ratify the Enforcement Order issued by the Agent as discussed at the November 18, 2010 meeting, Mr. McClintock seconded and it was voted to approve 4-0.

Discussions:

Discussion #1 – 190 Maple Street Joan Onorato Potential Violation- Joan Onorato, the property owner, was present to discuss the potential violation on her property. Mr. Gaskin presented the Agent's findings, (1) the removal of vegetation within the 0-100' buffer zone of wetland resource and (2) removal of vegetation from a wetland resource, resulting in the alteration of a wetland resource as listed under 310 CMR 10.02 (1) and (2)(b). The Agent presented aerial pictures from 2010, 2008, 2003, and her own pictures taken from Hidden Meadow and adjacent parcels to 190 Maple Street. Ms. Onorato stated that she had been trying to keep up with the workings of the farm, but it got away from her over the years and she did not believe it had been over five years since she cut the brush in and near the fields. Andy Ericco, of 51 Western Ave reported to the Commission as a long time resident and friend of the Onorato's that he planted Christmas trees and mowed the hay fields, for many years. The Commission informed Ms. Onorato of the requirements under the MA WPA Regulations for qualifying for the agricultural exemption, of which she was not aware. It was agreed that the Onorato's would meet with the Agent and Susan Tyler to discuss what farm maintenance would be conducted this year and which areas were not Land in Agricultural Use (under the MA WPA), which would be kept "natural" unless authorized by the Commission.

Andrea Stiller entered the meeting at 8:20 p.m.

Discussion #2 – Hunting on Town Land for reduction of Deer and Lyme

Mr. Lesser discussed the Selectmen's meeting of November 18, 2010, where deer hunting on Town Land was approved for Town Forest land. The Commission asked the Agent to draft a memo to the Board of Selectmen reflecting their position on the matter. It should state that, at this time, the Commission will keep deer hunting on Conservation

Land open to discussion, but that they would like to review other towns' implementation of deer hunting programs before making a final vote. . The Commission also wished to urge the Selectmen to explore a regional approach to the deer control problem.

Discussion #3 – Conservation Land Survey Findings

The Agent provided each member with a Conservation Land Survey at the November 4, 2010 meeting and each Commissioner was designated a parcel to review. The Commission discussed their findings. The Agent will work to address issues of land and trail maintenance for the spring 2011 season.

Discussion #4 - Site visit procedures for Commission and Agent

The Agent presented a site visit procedure document created for Commissions by the Audubon Society. She explained to the Commission that it had been discussed at Board of Selectmen's meetings that there is a concern for Town Agent's trespassing on private property. She wanted to set the record straight that she as the Agent representing the Commission had never trespassed on anyone's property. Additionally, she plans to obtain letters from private property owners, where it may have been insinuated that she trespassed on their property. She read a letter received from Anne Bliss, where Ms. Bliss clearly stated that Bridget (Graziano) did not trespass on her property.

Discussion #5 – Commission Member Open Seat Interview

Katharine Sturgis was interviewed by the Commission for Robert Eckert's vacant seat. She stated that she would be very interested in helping the Commission work on outreach with the community. She has served on the Board of Selectmen, Advisory Committee, Library Committee (?), Assessor's Board, Zoning Board of Appeals, and Tree Committee with Mr. Gaskin. The Commission discussed her and Alex Dowse's contributions to the Commission. It was agreed to vote at the December 14, 2010 meeting to recommend a candidate to the Board of Selectmen.

Approval of Minutes of November 18, 2010

Mr. Gaskin moved to accept the minutes as amended. Mr. Lesser seconded and they were accepted 5-0.

Administrator/Agent's Report

- **Minutes clerk search:** The Agent stated that she had one candidate for the minutes clerk position and was waiting for a reply with resume. The Commission suggested posting the vacancy on Craigs List, Facebook, MACC, with DEP Circuit Rider Program, and listing with Karen Juhl.
- **Local Board's of Health (BOH) to take over regulatory responsibility of small transfer stations under new DEP requirements:** The Agent reported to the Commission that Chris Owen, Chair of BOH would like to work with the Commission when implementing regulations at the transfer station that may impact wetlands resources. The Commission is in favor of working with BOH on this issue.

- **The Agent discussed open informational classes for Commissioners to partake in:**

Sustainable Forestry Dec 3rd at 1pm in Weston
DEP holding Army Corps General Permit discussion Dec 9th in Concord.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 9:16 P.M. Mr. McClintock seconded and it was voted to approve 5-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the December 2, 2010 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Discussion 1: 190 Maple Street Potential Violation-

- Pictometry Aerials 2008, 2003 of 190 Maple Street, Sherborn, MA
- Photographs taken by Agent on November 17, 2010
- Google Maps Aerials 2010 of 190 Maple Street, Sherborn, MA

Discussion 2: Hunting Deer on Town Lands

- Information compiled on Deer Hunting in Dover, MA
- Framingham Conservation Commission Memorandum, titled "Proposed Deer Hunting in Wittenborg & Macomber", dated July 18, 2008

Discussion 4: Site visit procedures for Commission and Agent

- "A Guide to Understanding and Administering the Massachusetts Wetlands Protection Act", Section 8.8 Site Visit, pg 190-198, by Massachusetts Audubon Society, Lincoln, MA, dated 1995
- Letter from Anne Bliss, titled FACTS, dated November 18, 2010

Discussion 5: Commission Member Open Seat interviews

- Email from Katharine Sturgis, titled Candidate for appointment to Conservation Commission, dated November 29, 2010
- Email from Katharine Sturgis, titled BOS possible study on the safety of our town trails, dated November 16, 2010
- Email from Katharine Sturgis, titled Conservation Commission Membership, dated November 16, 2010

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