

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

March 3, 2011  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Alex Dowse (arrived @ 7:21), Michael Lesser, Andrea Stiller, Kelly McClintock (arrived @7:55), Bridget Graziano (Administrator/Agent)

Guests: Jim & Kristina Panettiere

Call to Order: Steve Gaskin called the meeting to order at 7:21p.m.

## **Requests for Determinations of Applicability**

**20 Great Rock Road (proposal to remove trees within the buffer zone)** - The applicants, Jim and Kristina Panettiere were present. The applicants presented their proposal to remove 10 trees (consisting of white pines – *Pinus strobus* and Red Maple - *Acer rubrum*) within the 50'-100' buffer zone. Several of the trees are located close to or touching the house and have caused mold to grow on the roof and the brick siding. The Agent expressed her concern for proper erosion control and post-construction stabilization of the area with vegetation. She noticed that three of the maples are infested with Oriental Bittersweet (an invasive species) and two the pines have a low chance of long term survival due to the surrounding competing trees. The Agent requests that the stumps be left in place to allow continued stabilization of the buffer zone. The applicant would like to drill holes in the stumps to accelerate decomposition. Mr. Dowse expressed his opinion that the project should be approved without the applicant having to plant any vegetation. Mr. Gaskin believes there should be some form of compensation for work in the buffer zone. The planting of native vegetation would be sufficient for providing wildlife habitat, erosion control, and pollution prevention, three interests of the Act. The applicants mentioned that the previous owners had been dumping in the wetland and they have done a considerable amount of work to clean it up. The Agent agreed. The Agent

stated that the proposed planting in the buffer zone would be appropriate to maintain nutrient uptake, erosion control along slope to wetland resource, pollution prevention, flood control, wildlife habitat, and prevent the loss of canopy (which may alter the wetland resource by changing the temperature of surface water in wetland). Mr. Dowse moved for a Negative Determination, Mr. Gaskin seconded. The floor was opened for discussion upon which the Agent stated that a Negative Determination versus a "negative-3" on the WPA Form 2 means the applicant is working outside the buffer zone and no conditions are necessary to protect the wetland resource. She does not feel this is the appropriate motion. The motion did not pass, vote 1-3.

The discussion continued and the Agent recited conditions she believes necessary to protect the wetland resource, which include the following: (1) There shall be no stockpiling of earthen material, no refueling of equipment, and no overnight storage of equipment in the 100' buffer zone before, during or after proposed project (2) No tree debris shall be left in the wetland or associated buffer zone. (3) The applicant shall complete plantings in designated areas above the stone wall to ensure the buffer zone provides proper protection to the wetland resource. All areas of disturbance shall be hand raked and straw or seed shall be spread over the area to prevent erosion of soils into the wetland. The Commission and applicant agreed the mitigation shall include the planting of 4 trees and 4 shrubs, the suggested species include: serviceberry, bayberry, mountain laurel and rhododendron. All planting shall be approved by agent prior to planting. Mr. Gaskin moved to approve the Agent's recommendation of a Negative 3 Determination, Mr. Lesser seconded and it was voted to approve 4-0.

**279 Washington Street (DEP #283-245) Certificate of Compliance**— No one was present to represent the applicant. The Agent presented the application, stating that Michael Florian, the property owner never began the proposed project, for a 3-bedroom septic system, and therefore is requesting a Certificate of Compliance to be issued for an invalid Order of Conditions. Mr. Florian was issued a new Order of Conditions for the current 4 bedroom septic system, which had been installed and granted a Certificate of Compliance by the Commission. Mr. Gaskin moved to grant a Certificate of Compliance as an invalid Order of Conditions, Mr. Dowse seconded and it was voted to approve 4-0.

## **Public Hearings**

### **Public Hearing 1- Amendments to the Sherborn Bylaw Regulations**

- a. Section 2 – Definitions -
- b. Section 5.1 – Determination of Applicability
- c. Section 5.2 – Notice of Intent – see notes
- d. Section 5.4 – Fee Schedule
- e. Section 5.4.1 – Filing Fees and Policies
- f. Section 5.2.6 – Natural Heritage Filing
- g. Section 5.5 - Hearings

Mr. McClintock presented a proposal to amend Section 5.1, however, he did not have the wording drafted out at this time. It was agreed what he proposed has merit and he should propose language at the next meeting. The Commission discussed continuing until Mr.

McClintock drafted the language for this section. Mr. Gaskin moved to continue the hearing until March 16<sup>th</sup> at 8:45, Mr. Lesser seconded and it was voted to approve 5-0.

## **Discussions**

**Discussion 1 - Sustainable Forestry Stewardship Grant Application-** The Agent gave a brief overview of the program to the Commission and requested that the Commission allow her to apply for the grant. The Agent explained that the program is run by the Department of Conservation & Recreation (DCR) and is designed to encourage landowners to learn about their land and understand their management options. The program provides funds that defray the cost of developing a ten year forestry stewardship plan for a property. The Agent spoke with the contact person, Michael Downy, of DCR. He explained that in FY12 \$245,000 would be available, but the Commission should apply now to get on a waiting list for FY12, as the grant process is first come first serve. The Agent and some other Town volunteers had met with a Service Forester to review Barber Reservation and Hidden Meadow to determine if the two proposed properties were good parcels to have a Forest Stewardship Plan drafted. She explained that the Commission could apply for the funding and if the Commission decided to not use the grant money, it can be reallocated back to the program if before the end of FY12. The Commission members decided that they have an interest in applying and requested that the Agent apply. Mr. Dowse suggested that the Commission ask a representative from DCR to come in to discuss grant programs available to municipalities. The Agent agreed to pursue this for the next meeting.

**Discussion 2 - NSTAR fencing along Whitney Street** – The Agent updated the Commission on the subject of fencing that was erected along an NSTAR easement on Conservation Commission land. She stated that the Commission was granted control of this parcel in June of 1987 by the Board of Selectmen. She thought the fencing may have been erected under a Homeland Security Federal law. However, she found that NSTAR does not have an easement along the entire parcel and there should be an opening for public access, as the land is designated for passive recreation under the Commission's control. She requested permission to continue to pursue the issue of whether or not NSTAR may restrict access to open space, because the fencing and No Trespassing sign may prevent the public for entering the property. Ms. Stiller suggested the fencing be erected around the utility building and pad, if NSTAR is trying to restrict vandalism. Mr. Dowse suggested that an opening should be left for horse and pedestrian access to the parcel. He also pointed out that a line of trees along the road which were to be placed there in perpetuity had been removed by NSTAR. Mr. Dowse and the Agent will continue to gather more information on this matter and report back to the Commission.

**Discussion 3 Review of revised wetland delineation plans submitted by Rising Tide Development, LLC** – The Agent presented to the Commission a revised plan, drafted by Meridian Associates, Inc. of Rising Tide, LLC's wetland delineation based on her field findings. The Agent reviewed the current wetland delineation because the applicant is looking to begin the project. She found the following; (1) wetland flag, WF #4 should be moved out 5 feet (north) or a new flag added, (2) wetland flag, WF #30 should be moved out 10 feet (east), and (3) a new wetland area was found at wetland flag, WF

#C36, where a number of wetland flags will need to be added to depict the newly found “finger” of wetland. The Commission requested that the applicant (1) submit a plan with the whole project depicted on the plan, with wetland flag locations and (2) the wetland flags be renumbered to reflect the changes marked and agreed upon in the field by the Agent and Meridian Associates, Inc.’s wetland scientist. Mr. Gaskin asked why the area along Whitney Street was not found to be an Isolated Land Subject to Flooding. The Commission asked that the Agent revisit the site in the spring to review the entire wetland line is flagged properly and determine if the area along Whitney Street should be characterized as Isolated Land Subject to Flooding.

**Discussion 4 Request from Town Forest to remove dead trees for firewood program**

**in Town at Peter’s Hill** – The Agent stated that at this time, the Town Forest Firewood Program volunteers were having trouble accessing some points of the Town Forest land because of snow cover and poor winter conditions. Mr. Ambos of Town Forest is asking that the Commission allow the removal of some of the downed hardwood trees along Coolidge Street, known as Peter’s Hill. She explained that the program is very beneficial to the senior citizens in town, work will not be within any wetland resources or within any related buffer zones, and the Commission may condition the removal of trees under the vote. The Commission proposed the following conditions to be associated with the removal, (1) some of the trees shall be left for wildlife habitat, (2) all vehicles should park in designated areas, (3) all rutting from trucks (if any) shall be hand raked over after all work is completed, (4) the volunteers are restricted to the immediate area along Coolidge Street and shall not enter deep into Peter’s Hill, and (5) the Commission shall be notified of how many trees are taken. Mr. Dowse moved to allow the limited removal of downed hardwood trees from Peter’s Hill, only along Coolidge Street, with the conditions discussed. This was seconded by Mr. Gaskin and the Commission voted to approve 5-0.

**Discussion 5 Draft Stormwater Bylaw Review** – The Commission discussed the draft of the Stormwater Bylaw written by the Planning Board. The Agent was asked to write a memo to the Planning Board of comments from the Commission. The only comment the Commission agreed should be sent pertained Section 5.7 Water Resource Mitigation Fund as the vagueness of the wording appears to vulnerable to abuse by developers. Stormwater projects funded through the Mitigation Fund should have a timeline requirement for completing work to improve the quality and quantity of surface waters. At a minimum, the stormwater mitigation off-site projects should be completed prior to the development of a new site that does not meet the performance standards (as to be described in the Regulations). There is a concern that sites not meeting the performance standards may pay into the fund, but the monies paid will not be used to improve stormwater quality for years. Over time this could have a negative impact on the Town’s water quality

**Approval of Minutes of February 17, 2011**

Mr. Lesser moved to accept the February 17, 2011 minutes as amended. Mr. Gaskin seconded and it was voted to approve 5-0.

**Administrator/Agent's Report**

- Post on website for Conservation Volunteers (residents, high school, Eagle Scouts) – The Agent discussed posting a notice for volunteers to do educational talks, walks, and/or land stewardship projects. She asked if the Commission would like to hire a series of speakers for Conservation and/or wetlands workshops. Mr. Lesser voiced his concern that only a few people may attend the public talks & walks and it may be a waste of our money, but that we should still look for residents who would like to volunteer to speak on a particular subject of expertise. In addition, the Agent mentioned she has been working with John Higley to contact the Boy Scout troop to see if there are boys who would like propose Eagle projects to the Commission.
- 12<sup>th</sup> Annual Charles River Cleanup on April 16<sup>th</sup>– flyers have been posted at Town and Conservation Land. The Agent might start a cleanup group for the event if anyone in the Commission is interested.
- Education Series on Conservation Topics for Residents – see above discussion.
- March 24<sup>th</sup> CRWA- The Agent has signed up for this workshop taking place in Franklin. It is a workshop to educate people on the new proposed stormwater regulations as they are related to treatment of phosphorous within the Charles River Watershed. If anyone on the Commission wants to come, it will be given by the Charles River Watershed Association from on March 24<sup>th</sup> from 1:30 – 4:30. Several Commission members showed interest in attending.
- Mileage to Conferences – The Agent requested reimbursement for for mileage to attend conferences on Commission business. The Commission agreed to the request from the Agent.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 10:15 p.m. Mr. Dowse seconded and it was voted to approve 5-0.

Respectfully submitted,

Debora Anderson  
Minutes Clerk

Documents Presented at the March 3, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Request for Determinations**

20 Great Rock Road - Proposal to remove trees within the 50' – 100' Buffer Zone

- Planting Plan titled “Property Address: 20 Great Rock Road, Sherborn, MA” by property owners, James & Kristina Panettiere, dated March 3, 2011

**Public Hearing**

- Copy of Sherborn Wetlands Regulations with Amendment (available in the Conservation Commission Office or Selectmen’s Office, the Original document adopted in 1994.

**Discussions**

Discussion 1 - Sustainable Forestry Stewardship Grant Application

- Two ArcGIS USGS topographic map of Sherborn, MA, dated NAD 1983, by Bridget R. Graziano, of Conservation Land known as, Barber Reservation and Hidden Meadow.
- A letter to the Agent and the Commission from Benjamin Forestry Services, Inc., of South Easton, MA., dated February 1, 2011.
- Grant Programs for the DCR’s Working Forest Initiative Funding, titled “Working Forest Initiative” by the Department of Conservation & Recreation, dated May 2010.
- Grant Application titled “Reimbursement Application Forest Stewardship Plan” for the Fiscal Year 2011.

Discussion 2 – NSTAR fencing along Whitney Street

- A Plan titled “Property Plan, BECO Sherborn, R/W #7, Structure #42, Line #240-601 & #282-602, 230 kv”, dated 5/5/08.
- One ArcGIS USGS topographic map of Sherborn, MA, dated NAD 1983, by Bridget R. Graziano, of Conservation Land along Whitney Street

Discussion 3- Review of revised wetland delineation plans submitted by Rising Tide Development, LLC

- A plan titled “Compiled Existing Conditions Plan, Whitney Farm, 29 Whitney St., Sherborn, MA.”, by Meridian Associates, Inc., dated January 2003.

Discussion 4 – Request from Town Forest to remove dead trees for firewood program in Town at Peter’s Hill

- An e-mail to the Agent by Bob Ambos of the Town Forest Firewood Program, dated February 23, 2011.

Discussion 5 – Draft Stormwater Bylaw Review

- A document titled, “EPA’s Municipal Separate Storm Sewer System (MS4) General Permit Program: How the Revised Regulations will Impact your Communities”, dated February 11, 2011.
- Stormwater Bylaw draft by the Sherborn Planning Board for Town Meeting Article 17.

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