

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

March 16, 2011  
Sherborn Police Station  
7:00 P.M.  
Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Alex Dowse, Michael Lesser, Susan Tyler, Andrea Stiller, Kelly McClintock, Bridget Graziano (Agent/Administrator)

Members Absent: Will Willis

Guests: John Rockwood, Melissa Parker-Kenerson, Leonie Glen, Susan O'Brien

Call to Order: Steve Gaskin called the meeting to order at 7:02 p.m.

Discussion #1 – Sassamon Trace Golf Course update for new members

Mr. Gaskin gave a brief overview of the original project with regard to ongoing conditions and the submission of annual reports to the Commission. The Agent stated that last year Sassamon Golf Course requested that the Commission amend the Sherborn Certificate of Compliance section with ongoing conditions. The request was to change to the existing testing regime to reflect that of the one adopted by the Natick Conservation Commission. This year Sassamon will request a peer review of the current testing and monitoring results in Sherborn, over the past 5 years, in hopes the results will be a recommendation to reduce the current testing regime in Sherborn.

Mr. Dowse stated that the Massachusetts Pesticide Control Board has the exclusive authority over all pesticide use and believes that the Commission does not have the authority to regulate or monitor any pesticide use. The Commission expressed the need to

clarify this point and speak with a representative from the Massachusetts Pesticide Control Board. He also questioned the legality of having conditions in perpetuity within an Order of Conditions.

## **Public Hearings**

### Public Hearing 1- 193 Forest Street Proposal to Complete Remediation (cont'd from 3/3/11)

Mr. Gaskin opened the hearing. Ms. Parker-Kenerson of the Norfolk Ram presented the new information requested by the Commission at the February 17, 2011 public hearing. She explained a definitive groundwater flow line analysis was not possible due to the relatively flat ground water elevations. She stated that both groundwater gauging events of monitoring wells, showed the flow direction to be towards the wetland except that data from MW-102 did not suggest flow toward the wetland because the groundwater appeared mounded here. She felt that this discrepancy, did not affect her report that groundwater did in fact flow toward the wetland. She also reported that additional lab information on the groundwater lead levels indicated levels that were similar to expected background levels and ranged from Non Detect-8 ug/l.

Dr. John Rockwood from EcoTec, Inc. presented a new proposal for wetland restoration after the Commission comments at the last meeting. He explained the vegetation shall be planted in phases, (1) in the Spring, the wetland shall be seeded with wetland seed mix and a Roadside Wet Mix and erosion controls blankets will be placed along the slopes for stabilization until vegetation establishes itself and (2) in the Fall, shrub vegetation shall be planted in the wetland hummocks, slopes, and buffer zone. He then presented the four proposed options for restoration in the wetland. The Commission discussed the four options for wetland restoration proposed by EcoTec, Inc. The Commission then discussed other options outside of the ones presented by the Dr. Rockwood. Mr. Gaskin moved the Commission accept planting 4 shrubs in the wetland (hummocks and slopes) with the wetland seed mix. This was seconded by Ms. Tyler and voted to approve 5-1. Michael voted against the motion because he thought additional shrub plantings would better reestablish this resource area and deter the growth of invasives.

Mr. Gaskin motioned to continue this hearing to a later time this evening, seconded by Ms. Tyler, voted to approve 6-0.

Mr. Gaskin motioned to reopen the public hearing (at 8:55 P.M.), seconded by Mr. McClintock, voted to approve 6-0.

The Commission discussed the four buffer zone options. Mr. Gaskin moved that the commission require a hybrid between option A and option B, using 40 shrubs in both the

inner and outer buffer zones, but concentrated more closely to the wetland. Mr. Lesser seconded the motion. Mr. Gaskin, Mr. Lesser, and Ms Stiller voted in favor, Mr. Dowse, Mr. McClintock, and Ms Tyler against, and the motion failed 3-3.

Mr. Gaskin moved to use Option A for 20 shrubs in the inner buffer and 4 in the outer buffer, seconded by Mr. McClintock, and then opened the floor to discussion. Ms. Stiller stated concern about planting in the buffer zone as disturbing and loosening the stable surface soils that contain elevated lead levels to plant vegetation may result in erosion of these soils into the wetland that still have trace Contaminants of Concern. Or the soil would have to be removed from the site as hazardous waste. Mr. Rockwood stated that little, if any, soil would be left over after planting, and it is possible to cover the soils mounds around the vegetation with salt marsh hay. It was voted to approve 6-0.

The Commission began discussing the surface water testing. It was agreed that no testing would be done now, but instead would be done after all the vegetation is planted in the fall. The Commission requested the total & dissolved measurements of all contaminants found in the groundwater and soil, not only lead. Ms. Parker-Kenerson stated that it would be good practice to test surface water after a “major” rain event, therefore, this procedure should be followed for this second testing round. The Commission agreed.

The Commission requested that a new wetland and buffer zone restoration plan reflecting the agreed upon protocol be drafted and sent to the Commission. Mr. Gaskin motioned to close the hearing after stating the following finding, “The Commission hereby finds that the existence of these significant historical alterations in the resource area and 0-50’ no-alteration zone (NAZ) place this property in a unique category. The Commission further finds that the proposed activity within the BVW and the buffer zone will cause and has caused temporary alterations to a wetland resource. However, the applicant has presented evidence sufficient to demonstrate that the proposed activity will be temporary in nature, where all resource area and buffer zone alteration shall be restored to an improved quality. In addition, the applicant has provided satisfactory evidence that they will meet the performances standards under the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.55(4) and the Sherborn Wetlands Bylaw Regulations, Section 10, provided that all conditions of this Order are met. Mr. McClintock seconded, and the Commission voted to approve 6-0.

#### Public Hearing 2- Amendments to the Sherborn Bylaw Regulations

Mr. Gaskin opened the hearing.

- i. Section 2 Definitions- not discussed
- ii. Section 5.1 Determination of Applicability- not discussed
- iii. Section 5.2 Notice of Intent- not discussed
- iv. Section 5.4 Fee Schedule- not discussed

- v. Section 5.4.1 Filing Fees and Policies- not discussed
- vi. Section 5.2.6 National Heritage Filing- not discussed
- vii. Section 5.5 Hearings- not discussed

Mr. Gaskin motioned to continue hearing until April 7, 2011 at 8:30 pm, and was seconded by Ms. Tyler. The Commission voted to approve 6-0.

## **Discussions**

### Discussion 2 – Michael Downy on Forestry Stewardship Grant

Michael Downy from the Department of Conservation and Recreation (DCR), Division of Forestry presented information on a Forestry Stewardship Grant. He explained that grant would defray portions of the cost to draft a Forestry Stewardship Plan. The resulting plan would benefit the Town, as it would provide information that would help educate the public and then help decide on how to improve the quality of our land for the benefit of different possible goals: biodiversity, rare species, trails, wildlife habitat, forest health (e.g. resistant to disease), management of invasives, etc. Mr. Downy explained that in addition to the grant for the Forestry Stewardship Plan, the Town would receive an additional \$500 for educational outreach. He suggested we contact Mr. Catanzaro at the UMass Extension for help with educational outreach, if we apply for and are awarded the grant. The Commission expressed an interest in the Program and asked the Agent to apply. The Commission thanked Mr. Downy for coming and the Agent for setting up the discussion.

### Discussion 3 - #3 – 15 Jackson Road Vegetation Plan Approval

The Agent explained that Mr. Robin submitted a Vegetation Plan for 15 Jackson Road as required under the Enforcement Order issued for non-compliance with an Order of Conditions. She reviewed the plan and recommended the Commission approve the plan. The Commission accepted her recommendation and requested she have the owner move forward with implementing the plan.

### Approval of Minutes of March 3, 2011

The Commission discussed edits to the minutes. Mr. Gaskin moved to approve the minutes as amended. Mr. Lesser seconded and it was voted to approve 5-0 (Ms. Tyler abstained because she was not present at this meeting).

## **Administrator/Agent's Report**

- Sudbury Valley Trustees Turtle Survey - The Agent asked if anyone on the Commission would be interested in participating in a turtle survey. Mr. Gaskin stated he may and requested more information.
- Land Management Meeting March 21, 2011 @ 5:00pm- Mr. McClintock & Ms. Graziano are attending. The Forest Stewardship Plan will be discussed.
- CWRA is hosting a Phosphorus Workshop – Ms. Graziano will be attending the workshop.
- Forest & Trail Clean up Day – The Agent was considering volunteering to be a team leader but was concerned about her personal liability. She will still attend a meeting and may lead a team to complete invasive removal only.

Adjournment: There being no other business. Mr. Gaskin moved to adjourn at 10:30 pm. Mr. Lesser seconded and it was voted 6-0.

Respectfully submitted,

Debora Anderson  
Minutes Clerk

Documents Presented at the March 16, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Discussions**Discussion 1 {Sassamon Trace Golf Course update for new Members}

- A Copy of a Letter, titled “Golf Course Testing”, dated March 16, 2010, from the Town of Natick Conservation Commission to Steve Gaskin, chairman A Copy of a Letter, titled “Proposal for Consulting Services”, dated April 21, 2010, from the Avalon Consulting Group to the Town of Natick Environmental Compliance Officer A written Monitoring Plan titled “Sassamon Trace Golf Course IPM Monitoring Plan” for the Town of Natick, revised March 7, 2010.
- The amendments to the Order of Conditions DEP #233-400c, Natick Conservation Commission
- Natick Conservation Commission Meeting Minutes of March 4, 2010, pg. 2
- A List of Possible Pesticides to be used in an IPM Program at the Natick/Sherborn Golf Course, prepared by Dr. William A. Torello, Assoc. Prof., Dept. of Plant & Soil Sciences, UMass, Amherst, dated March 24, 1999.
- Sherborn Order of Conditions for Town of Natick, DEP #283-0197, issued July 15, 1999.

Discussion 2 (Michael Downy on Forestry Stewardship Grant)

- Copy of Letter from Phil Benjamin of Benjamin Forestry Services, Inc, dated February 14, 2011
- Copy of the Forestry Stewardship Instructions and Application, titled “Reimbursement Application Forest Stewardship Plan

Discussion 3 (15 Jackson Road Vegetation Plan Approval)

- A hand-drawn Plan titled “15 Jackson Road, Planting Plan under the Enforcement Order, received March 14, 2011.

**Public Hearings**Public Hearing 1 {193 Forest Street proposal to complete remediation (cont’d from 3/3/2011)}

- A report by Ecotech, Inc. titled “Revised Wetland and Buffer Zone Restoration Protocol with Planting Options, 193 Forest Street and 210 Farm Road, Sherborn, MA”, dated March 1, 2011 (Revised).

- A memorandum from Melissa Parker of Norfolk Ram regarding the Groundwater Flow Direction results from the site, dated March 9, 2011.
- Department of Environmental Protection, Massachusetts Inland Wetland Replication Guidelines, effective date March 1, 2002, pg.15

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