

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

April 21, 2011
Sherborn Town Hall
7:00 P.M.
Minutes of the Meeting

Members Present: Alex Dowse, Michael Lesser (acting chair), Andrea Stiller, Kelly McClintock, Susan Tyler (7:43pm), Bridget Graziano (Agent/Administrator)

Guests: Chere Jalali & Alan Andersen, Barry Welch

Call to Order: Michael Lesser called the meeting to order at 7:01 p.m.

Requests for Determinations of Applicability/Enforcement Orders:

168 Woodland Street (continued from 4/7/2011) - Proposes to remove trees and pave existing driveway: The applicants, Allan Andersen and Chere Jalali were present. The Agent, Ms. Tyler and the Town Tree Warden completed a site visit to the 168 Woodland Street to review the health and safety of the trees proposed for removal. The Agent passed around photos of each tree for discussion. The uniqueness of the property and the number of trees proposed for removal in the resource areas were discussed. The Commission explained to the applicant that the project as it stands would mostly likely require the filing of a Notice of Intent because of the alteration to the Vernal Pool Habitat and buffer zone, if put to vote. It was noted that the scope of work could be reduced in size which may help it to be permitted under a Determination of Applicability. The Commission and applicants discussed reducing the number of trees to those that were found to be a public hazard/threat and to have a high probability of falling on the house and people. The applicant stated that she would be willing to offer mitigation for trees removed from the resources areas and buffer zone to protect the interests of the Act. At the end of the discussion it was decided that 5 trees within the Vernal Pool Habitat Zone were permitted to be cut down as well as 15 trees within the 100' buffer zone (which is currently altered buffer zone as lawn). The Commission stated the following findings; (1) the property provides for unique circumstances as the driveway and existing home are

within the Vernal Pool Habitat Zone 30-100', (2) the trees to be removed are found to be a threat or hazard to the public and dwelling, (3) the applicant is proposing sufficient mitigation to provide continued protection to the wetland resource and its buffer zone, and (4) the Commission will impose conditions for the protection of the wetland resource and buffer zone before, during, and after construction.

Mr. Lesser moved to issue a Negative 2&3 Determination, Mr. McClintock seconded, voted to approve 5-0.

66 Bogastow Brook Road – (Proposes to demolish the existing sunroom and construct a 3-Season Room): No one was present to represent the applicant. The Agent presented the project to the Commission and recommended a Negative Determination because the wetland resource was found to be located over 500' feet away from the proposed limit of work. Mr. Lesser moved to approve the Agent's recommendation for a Negative Determination, Ms. Tyler seconded, it was voted to approve 5-0.

12 Wood Road - (Proposal to replace the septic system line): Mr. Barry Welch (Ms. Lam's husband) was present to represent Ms. Lam. The Agent presented the project to the Commission and recommended a Negative Determination because the proposed project's limit of work is outside of the Commission's jurisdiction. Mr. Lesser moved to approve the Agent's recommendation for a Negative Determination, Ms. Stiller seconded, it was voted to approve 4-0.

15 Spywood Road – (Proposes to perform soil testing): No one was present to represent the applicant. The Agent presented the proposed project to the Commission and stated that there is an intermittent stream and bordering vegetated wetland located approximately 152' from the soil testing site. Mr. Lesser moved to approve the Agent's recommendation for a Negative Determination for Soil Testing only, Ms. Stiller seconded, it was voted to approve 5-0.

Public Hearings

Public Hearing 1- Amendments to the Sherborn Bylaw Regulations

- 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. Dowse moved to postpone the Public Hearing to May 19th @7:30pm. Ms. Tyler seconded, it was voted to approve 5-0.

Discussion 1 – Extension to the Order of Conditions for Rising Tide

The Agent gave a brief overview of the project's history. She stated that Josh Posner has requested an Extension to the Order of Conditions, it was noted that work has not begun

at this site. It was also noted that the Order of Conditions may also remain valid for another two years as stipulated under the Permit Extension Act granted by the Governor. The Commission asked the wetland line to be flagged and then the Agent to review. This was partially completed in November 2010. She had requested that certain flags be moved out including: C-30 to C-31, C-24 to C-1, C-36 to C-37, C-6 to C-7 and C-4A. The Agent explained that due to the timing of the request she had difficulty completing a full review of the delineation and has continued this review in Spring 2011. Mr. Dowse voiced that he would need to see an updated plan in order to vote for an extension of the permit. Mr. Lesser moved to approve the extension with the requirement that a new plan be submitted showing the wetland flags moved as requested by the Agent, Mr. McClintock seconded, it was voted to approve 4-0, Mr. Dowse abstained.

Discussion 2 – Pesticide Use in the Wetlands/Buffer Zone

Postponed until the June 4th meeting

Discussion 3 – Signs and Hunting on Conservation Land

Postponed until the May 4th meeting

Discussion 4 – Motorized Vehicles on Authorized Trails

Postponed until the May 4th meeting

Discussion 5 - Sassamon Trace Golf Course Peer Review Scope of Work

Mr. Lesser and Ms. Stiller presented a scope of work for the peer review of the Sassamon Golf Course annual monitoring. The Agent had offered suggestions, which were presented to the Commission. After some discussion it was decided that Ms. Stiller and Mr. Lesser would re-draft the scope of work and send around to the other Commission members for review. The Commission will discuss the final draft at a meeting and then the Agent shall send to Natick and Golf Course staff for their review.

Discussion 6 - Open Space & Recreation Plan Grant

The Agent explained that there is a Grant available from the Executive Office of Energy and Environmental Affairs that offers financial assistance to Municipal Conservation Commissions of small municipalities to produce or update an expired Open Space and Recreation Plan. Communities must submit an application for the FY12 LAND grant round. She asked Mr. Lesser if the Town's Open Space & Recreation Plan is to expire in 2012 or if someone from the Town had applied for the 2-year extension. Mr. Lesser replied that this was not done. She stated that she contacted a representative who stated that Sherborn was not eligible this year but could apply next year. Mr. Lesser asked the Agent to see if we could still qualify for the extension. The Agent and Open Space Committee will prepare to apply for the grant next year, if available.

Approval of the Minutes of April 7, 2011

The Commission discussed edits to the minutes. Mr. Lesser moved to approve the minutes as amended. Mr. McClintock seconded and it was voted to approve 5-0.

Administrator/Agent's Report

- **B of H & Agriculture Commission Working on Manure Management –**
 - Mr. Lesser asked that the Agent request a draft of the manure management regulation that the Board of Health and the Agricultural Commission for the Commission to review
- **Amending the Town Land Use Regulations –**
 - The Agent explained that the Town Land Use Regulations have not been reviewed and updated in a very long time. The Agent distributed a draft of an updated version she had worked on of the Town Land Use Regulations to stimulate discussion on the topic among the Commissioners.
 - The Conservation Commission has clear authority to adopt regulations for use of its land under the Conservation Commission Act.
 - The Commission would need to get support from Town Forest since this Committee is included in the regulations.
 - Mr. Lesser and Mr. McClintock expressed interest in pursuing the updates.
- **Monitoring Conservation Land & Conservation Restrictions –**
 - The Agent explained that the Commission should be monitoring lands on which the Commission holds Conservation Restrictions. This is the responsibility of the parties charged with monitoring, known as the “holder”.
 - The Agent recommended that she and the Commission should build GIS shapefiles and create folders for annual review. The Agent will compile a list of properties with conservation restrictions.
 - The Commissioners should consider planning site visits to these properties and shall begin with the Murchison Property as this is the only property the Commission has all the information for the review at this time.
- **Outreach for the Commission –**
 - The Agent discussed the need to hold workshops, submit newspaper articles and have round table discussion groups, to help educate the public on Conservation and wetland issues Possible projects discussed included: doing a library display case for a month and sponsoring a Conservation Award for High School students.

The Agent requested that the date of the May 5th meeting be moved. A change of date to May 4th was approved.

Adjournment: There being no other business to attend to, Mr. Lesser moved to adjourn at 10:37 pm, seconded by Mr. McClintock, voted to approve 5-0.

Respectfully submitted,

Debora Anderson
Minutes Clerk

Documents Presented at the April 21, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Requests for Determination of Applicability

168 Woodland Street Tree Removal –

- Hand-drawn map of the trees proposed for removal located at the 168 Woodland Street parcel, prepared by the Agent,
- Pictures taken by the Agent on April 14, 2011 at the site visit

Discussions

Discussion 1 Extension to the Order of Conditions for Rising Tide –

- “Complied Existing Conditions Plan Whitney Farm” by Meridian Associates, dated (revised) March 31, 2011

Public Hearings

Public Hearing 1 – Amendments to the Town of Sherborn Bylaw Regulations

- Sherborn Wetlands Regulations adopted December 1994

Discussion 5 Sassamon Trace Golf Course Peer Review Scope of Work –

- Draft Scope of Work by Mr. Lesser, Ms. Stiller, and Bridget Graziano (Agent) for the Sassamon Golf Course

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