

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

May 4, 2011  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

Members Present: Steve Gaskin, chair (arrived @ 7:20), Kelly McClintock, Susan Tyler, Michael Lesser, Will Willis (arrived @ 7:35), Bridget Graziano (Administrator/ Agent)

Guests: Jim Moruzzi, Eliot Taylor, David Killeen

Call to Order: Steve Gaskin called the meeting to order at 7:20 p.m.

## **Requests for Determinations of Applicability:**

**11 Unity Lane – (proposal to replace the distribution box):** No one was present to represent the applicant. The Agent presented the project to the Commission and recommended a Negative Determination because the proposed work will take place outside of the Commission's jurisdiction. Mr. Lesser moved to approve the Agent's recommendation of a Negative Determination. Mr. Gaskin seconded, it was voted to approve 4-0.

**68 Maple Street – (proposal to construct a garage):** No one was present to represent the applicant. The Agent presented the project to the Commission and recommended a Negative 3 Determination because the limit of work is proposed for 90' from an intermittent stream. The Agent recommended that the following conditions be imposed under the Negative 3 Determination; (1) erosion controls shall be installed along the 90' buffer zone line, (2) stockpiling of materials shall take place outside the 100' buffer zone in designated areas and (3) all vehicles shall be fueled and parked outside the 100' buffer zone. Mr. Lesser moved to approve the Agent's recommendation of a Negative 3 Determination. Mr. Gaskin seconded, it was voted to approve 4-0.

**37 Oldfield Drive – (proposal to remove an in-ground pool):** No one was present to represent the applicant. The Agent presented the project to the Commission and recommended a Negative Determination because the bordering vegetated wetland is located 109' from the limit of work, which is outside of the Commission's jurisdiction. Mr. Gaskin moved to approve the Agent's recommendation of a Negative Determination. Mr. Lesser seconded, it was voted to approve 4-0.

**168 Woodland Street – (Amend the approved Request for Determination of Applicability):** No one was present to represent the applicant. The Agent presented the applicant's request for another tree be removed along with the previously approved trees. This would be an amendment to the approved RDA. She explained that a large branch from a tree had fallen onto the driveway where their truck is usually parked. This tree was designated as tree #7 during the recent RDA filing. The owners had received approval from the Commission to remove hazardous trees on their property, but this particular tree was slated to remain. The Commission discussed their concerns as tree #7 is located in a resource area. It was noted that the Commission must work on guidelines for tree removal in resource and buffer zone areas. The Commission agreed on the following finding: Tree #7 poses a significant hazard to the public and dwelling and therefore may be removed with the condition that replacement of vegetation will be planted to act as protection to the resource area. Mr. Lesser moved to approve the removal of tree #7 in exchange for additional planting mitigation. Mr. Gaskin seconded, it was voted to approve 4-0.

**Discussion #1 – Vote to recommend re-appointment of Steve Gaskin as a Conservation Commissioner, to the BOS & Vote to re-appoint Andrea Stiller to the Groundwater Protection Committee:**

Mr. Lesser moved to recommend the re-appointment of Steve Gaskin as a Conservation Commissioner to the BOS. Mr. McClintock seconded, it was voted to approve 3-1, Ms. Tyler voted against the motion as she thought the vote should wait for the entire Commission to be present.

The Commission discussed re-appointing Ms. Stiller, it was decided to hold off on re-appointing Ms. Stiller to the Groundwater Protection Committee until all the members were present, in case absent members would like to be appointed to Groundwater Protection Committee. Ms. Stiller had agreed she would give another member the opportunity to be on the committee.

Will Willis arrived at 7:35PM.

**Discussion #2 – 266 Washington Street – Request to Amend the Order of Conditions:**

The applicant, Jim Moruzzi, was present for the discussion. He presented his request to the Commission by requesting a minor amendment to the Order of Conditions for a change to condition #25. Mr. Moruzzi is proposing to plant native shrubs instead of erecting a stone wall along the entire length of the 150' Vernal Pool Buffer Zone. The stone wall was proposed and conditioned to be erected to mark the 150' Vernal Pool Habitat Zone boundary, so that the management of the property beyond this would be in the form of a meadow and provide protection to the Vernal Pool. The Commission

discussed the pros and cons of allowing shrubs instead of the stone wall. It was noted that the stone wall would need excavation to be installed and is a more invasive process than planting. The Commission agreed. Mr. Lesser moved to approve this request as a minor amendment to the Order of Conditions, it was seconded, and was voted to approve 5-0.

The Commission discussed the conditions associated with the amendment. The approval will be conditional on the Agent approving all vegetation planting locations and the species of the shrubs, prior to planting. Condition #25 shall now read, "Further, a row of large native shrubs (3'- 4' tall at time of planting) shall be installed and maintained along the 150-foot vernal pool buffer zone line extending from directly behind the northwestern corner edge of the proposed driveway and shall be described in the revised plan." Mr. McClintock seconded, it was voted to approve 5-0.

Mr. Willis excused himself from the meeting @ 7:55 PM.

**Discussion #3 – 190 Maple Street:** It was noted that the property owners were invited to the meeting but were not present at this time. The Agent presented her concerns to the Commission. She explained that the Commission had discussed this property with the Onorato's on December 2, 2010, when the Commission explained that improvement/maintenance work for farming on Land in Agricultural Use is exempt from the Massachusetts Wetlands Protection Act and Sherborn Wetlands Bylaw. The owners have been cutting vegetation around the pond and within the wetland. Originally, the property owner agreed to work with the Commission to determine locations of the property that were not used for farming and areas that were considered Land in Agricultural Use. The property owner has not complied with the Commission's request to work with the Agent to rectify any areas that are in violation. The Agent stated that there may be portions of the property that may qualify as Land in Agricultural Use but there are also locations on the property that are not and these areas need a permit to remove vegetation. Additionally, the Agent doesn't believe they are following best management practices for farming near wetlands. The Agent contacted the owners requesting a site visit back in December 2010, to go over best management practices but has not heard from them. Ms. Tyler offered to attempt to contact them and set up a site visit with the Agent and herself. The timeframe for compliance to the Commission's site visit request is 2 weeks. If the request is denied or ignored, a site visit will be scheduled at a neighboring property with a good view of the area of violation. The property owner will be asked to attend the next meeting, and if they decline an Enforcement Order will be issued.

**Discussion #4 – Signs and Hunting on Conservation Land:**

Ms. Tyler led the discussion on assisting the Animal Control Officer to create signage to be placed on locations where hunting stands are found. Ms. Tyler spoke with the Town's Animal Control Officer, Joe Shepard. Mr. Shepard would like to have laminated signs (or cards) that he can leave at locations where hunting stands are removed from public land. The sign or card would inform the hunter that he has violated a town by-law and may be fined under the bylaw. The Commission agreed and asked Ms. Tyler to draft the language for the cards and send the draft language to the Commission and the Agent.

The Town Forest Committee Chairman and Ad Hoc Deer Management Committee member, Dave Killeen, was in attendance. He was interested in the discussion and has concerns how to survey Town Forest Land property lines for proper designation of hunting on Town lands (Town Forest only). The Agent explained that the Town will be purchasing a GPS Unit. This tool can be helpful for walking the Town property lines because parcel maps can be loaded and used to find the stone bound markers and noted on GIS maps. The Commission stated that their Agent could be helpful in setting up volunteers or interns to use the GPS to locate the boundary markers between Town land and private land. Mr. Gaskin expressed the Commission's desire to work with all boards/commissions/committees on Deer Hunting/Management. All of these departments will be invited to all future discussions.

Mr. Willis returned at 8:23 PM.

Ms. Tyler excused herself from the meeting at 8:25 PM.

**Discussion 5 – Motorized Vehicles on Authorized Trails:**

The Discussion was moved to the June 2, 2011 meeting

**Discussion 6- Open Enforcement Orders or Violations:**

- A. 84 Coolidge Street – The property owner, Mr. Hall was present at the meeting. The Agent explained that the owner was issued an Enforcement Order on June 24, 2009 due to cutting of vegetation in the buffer zone. After a meeting with Mr. Hall and working out an Amended Enforcement Order that was amenable to the Agent and Mr. Hall, the Agent issued an Amended Order on December 16, 2009. He has not complied with the conditions of the Amended Enforcement Order as far as the Agent is aware, because he will not let her on to the property. Mr. Hall presented the Commission with a photograph showing them that he has complied with the restoration conditions. He did state that he did not seed the restoration area as required but did rake the area. He claimed that he did not understand what seed he was required to use. The Agent reminded him that the mutually agreed upon Amended Enforcement Order stated all the requirements including the seed mix he was to use, which was Conservation/Wildlife Mix from New England Plants, Inc. One condition of the Enforcement Order that had not been completed is that the restoration area has not been demarcated with wooden stakes. This area is required to be protected from alteration unless Mr. Hall would like to propose alteration to this area, which he originally stipulated he did not. Now, Mr. Hall is stating that he is trying to create a horse farm and eventually grow hay. He doesn't want to stake the area off, because it will look strange. Mr. Gaskin explained that haying fields and keeping of horses in the buffer zone area is an alteration to an area under the jurisdiction of the Commission, and Mr. Hall should consider filing a Notice of Intent to alter an area within the 100-foot buffer zone to Land in Agricultural Use.

Ms. Tyler returned @ 9:10 PM.

Mr. Hall does not wish to have the Agent on his property, so Ms. Tyler offered to check that the required 5' tall stakes to demarcate the area as well as the required seeding is done in compliance with the Enforcement Order. He needs to seed the area with the seed mix and put stakes demarcating the restoration area and extent of the 100' buffer zone. The staking needs to be completed within 2 weeks, and seeded within a month. Site inspection with stakes in place must be completed by May 19<sup>th</sup>.

- B. 46 Greenwood Street – David Parrish filed an RDA for work in the outer buffer zone of the Vernal Pool Habitat Zone. During construction, the erosion control line was damaged and sediment was distributed past the limit of work line. He did stabilize the area of alteration, at Agent's request. A non-punitive Enforcement Order was issued to restore the area with native vegetation. He did plant some vegetation which is now dying. The Commission agreed with the Agent's recommendation that he needs to finish up the house, remove the erosion controls and put down erosion control blankets and new plantings with seeding. It was requested that the Agent send out a letter asking them to comply or the Commission will begin fines for the violation.
- C. 30 McGregor Drive – The Agent had asked permission to go out to the property but has not received a reply. She viewed the property from the Bay Circuit Trail and found that the White Pines planted will not survive and property owner had agreed to plant Highbush Blueberry or Sweet Pepperbush, which has not been done. The Commission requested the Agent send a letter to the property owner.
- D. 43 Kendall Avenue (Sherborn Meadows) – The Agent raised concern over the continued cutting of vegetation around the pond. The Commission asked the Agent to send a letter to the property owners and speak with the resident landscaper, Arthur Hurst.

### **Approval of the Minutes of April 21, 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.

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

- **Sherborn Conservation Award for High School Students** – Mr. Lesser addressed the Commission, stating that he had received an email from a 7<sup>th</sup> grade science teacher at Dover-Sherborn High School. The email noted that the Dover's Conservation Commission honors students for environmental work every year. Mr. Lesser believes it would be nice if the Commission in Sherborn did the same for a Sherborn student. Mr. Gaskin suggested that he or the Agent could present an award to the student at awards night at the high school. The Agent was asked to set this up.
- **Vernal Pool Walk in Sherborn** – The Agent stated that she went on a Vernal Pool walk in Lincoln and thought that she could host a walk for the community in Sherborn. The Commission suggested that perhaps she should consider a "vernal pool party" to increase interest from the public.

- **Managing Deer Populations, May 12<sup>th</sup> @ 7:30 PM** – The Agent reminded the Commission that the Open Space Committee will be hosting a workshop on Deer Management. Mr. McClintock and Mr. Lesser will be in attendance.
- **Land Management Meeting, May 23<sup>rd</sup> @ 5:00 PM** – The Agent reported that Mr. McClintock and she will be attending this meeting. Topics of discussion may be the following: the Grange Fair on September 17<sup>th</sup>; edible plants walk; and trail clearing. The Agent reported that Hidden Meadow trails were being damaged by excessive horse riding during wet season. The Commission suggested closing Hidden Meadow trails to horses during wet season end of March to mid-May.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 10:05 pm, seconded by Ms. Tyler, voted to approve 5-0.

Respectfully submitted,

Debora Anderson  
Minutes Clerk

Documents Presented at the May 4, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Discussions**

**Discussion #2 – 266 Washington Street – (Amendment to the Order of Conditions)**

- Letter from Mr. Moruzzi to the Commission dated 4/27/2011 requesting a Minor Amendment to the Order of Conditions Plan titled “Proposed Sewage Disposal System Lot ‘H’ (next to #270) Washington St. Sherborn, MA” by GLM Engineering Consultants, Inc., dated July 8, 2005, Revised August 18, 2005 & October 17, 2005, and revised December 2009 and April 2011.

**Discussion #3 – 190 Maple Street-**

- Agent Site Notes 190 Maple Street
- Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.04 Agriculture, pg 13-17, dated June 2009

**Discussion #6 – 84 Coolidge Street – (Enforcement Order)**

- Letter sent to Mr. Hall from the Commission/Agent dated August 4, 2010 requesting a site visit.
- Enforcement Order page 2 for 30 McGregor Drive issued September 30, 2009
- Email from Mr. Conigliaro to Bridget Graziano dated October 5, 2009
- Enforcement Order page 2 for 46 Greenwood Street issued August 24, 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