

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

May 19, 2011  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

Members Present: Alex Dowse, Michael Lesser (acting Chair), Andrea Stiller, Kelly McClintock (arrived @ 7:20), Susan Tyler, Bridget Graziano (Administrator/Agent)

Guests: None present

Call to Order: Michael Lesser called the meeting to order at 7:07 p.m.

## **Discussions**

Discussion #1 – Vote to re-appoint Andrea Stiller to the Groundwater Protection Committee

Mr. Lesser moved to re-appoint Ms. Stiller to the Groundwater Protection Committee, Ms. Tyler seconded and was voted to approve 4-0.

Mr. McClintock arrived at 7:20 PM

Approval of Minutes of May 4, 2011

The Commission discussed edits to the minutes. Mr. Lesser moved to approve the minutes as amended. Mr. McClintock seconded, and the vote was approved 3-0-2. Mr. Dowse and Ms. Stiller abstained for lack of presence at the 6/2/11 meeting.

Ms. Tyler will contact the Town Clerk to find out the rules for voting to accept the meeting minutes if a member was not present at that meeting.

## Public Hearings

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

- i. Section 2 Definitions-Not discussed. Previously discussed and voted at February 3, 2011 public meeting.
- ii. Section 5.1 Determination of Applicability-

Amendments to alternative sections were previously discussed and voted at February 3, 2011 public meeting.

The Agent and Mr. McClintock proposed to now amend the language under 5.1.2 - Determination by Commission to state, "A positive Determination means that the project will alter, remove, fill, or dredge an area subject to protection under the Sherborn Wetlands Bylaw and may have a significant effect upon the interests defined in the wetlands by-law and these regulations. If a positive determination is issued, the applicant must file a Notice of Intent.

A Negative Determination means that:

- a. The proposed project will not take place in an area subject to protection under the Sherborn Wetlands Bylaw; or
- b. The proposed work will take place within an area subject to the Sherborn Wetlands Bylaw, but will not alter, remove, fill or dredge the area; or
- c. The proposed project will take place within an area subject to protection, but the Commission determines that either as presented or subject to conditions it will not have a significant effect upon the interests defined in the Sherborn Wetlands By-law and these regulations; or
- d. The proposed project is exempt from the Sherborn Wetlands By-law.

If the Commission issues a Negative Determination, the project is approved as presented or approved with written conditions. A Negative Determination is valid for three (3) years.

5.1.2(a) – Minor Projects Generally- The Commission proposed and language shall now state, "Soil Testing in the outer buffer zone for replacement of a failed system, for replacement of a cesspool, or for modifications to a system to achieve Title 5 compliance (as opposed to soil testing for a septic system upgrade to accommodate new construction) within a previously altered buffer zone."

- iii. Section 5.2 Notice of Intent-

5.2.1 Notice of Intent Form – The Agent proposed to amend the wording for sentences of this section stating, "Appendix D" and will now state "Appendices A, B, C and D".

5.2.4.1 Proposed Conditions- The Agent proposed to amend the following letter c and add letters j, k, to state,

- c. Construction sequence and details, including cross-sections and elevations, of drainage structures (including but not limited to catch basins, leaching basins, dry wells, swales, retention areas, ditches, etc.) and road crossings in wetland resource areas
- j. Calculated square footage of temporary and permanent alteration of wetland resource, if applicable
- k. Calculated square footage of temporary and permanent alteration of inner (no-alteration zone) and outer buffer zone.

5.2.5 Information to Be Provided in Notice of Intent Text – The Agent proposed to add the following line to this section “All of the following will be required unless exempted in writing by the Commission.”

5.2.5.1 Existing Conditions – The Agent proposed to add the letter, d. Completed state delineation forms for wetland resource known as the “DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form”.

5.2.6 Natural Heritage Filing- The Agent proposed to removed the requirement for projects proposed within a ¼ mile of the project site. The language of “or up to a ¼ of a mile outside” will be removed from the section.

5.2.7 Watercourse Alteration Filing- The Agent proposed to add the section to the Regulations with the following language based on a notification form from FEMA. The language for the section will read “To the extent required by FEMA, if applicant is planning to alter or relocate a river system in any manner, it shall require a notification letter in the Notice of Intent. This filing is to be made by the applicant, before the Notice of Intent is scheduled for a public hearing. The letter shall be included in the Notice of Intent to the Commission. Opening a hearing is contingent upon a certified letter of notification submitted to the following departments:

Adjacent Communities (Conservation Commission’s of: Dover, Natick, Ashland, Framingham, Medfield, Millis, Holliston)

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

- iv. Section 5.4 Fee Schedule- The Agent proposed to have language in the first paragraph read “Check for bylaw filing fee shall be separate from the portion of

the state fee given to the Town.” It was also proposed to have the following filings and fees associated with them.

A Notice of Resource Area Delineation requires a fee equal to Category 6: Town fee is \$3 linear foot and state fee is \$2 linear foot.

Recording for Order of Conditions requires a fee of \$35.00 to the Town; no state fee is required.

- v. Section 5.4.1 Filing Fees and Policies- not discussed.
- vi. Section 5.5 Hearings

5.5.3 Continuances – The Agent proposed to increase the time for submittal of all revised plans to be received ten days before the continued hearing.

5.5.4 Issuance of Order – The Agent proposed to have the time for issuance of an Order of Conditions after a hearing to reflect the Massachusetts Wetlands Protection Act. The time will be amended from thirty (30) days to twenty-one (21) days.

#### 5.11 Certificate of Compliance

5.11.2 Procedures- The Agent proposed to amend number 4 & 5 under Procedures for the time for issuing a Certificate of Compliance from thirty (30) days to twenty-one (21) days.

The Agent expressed that she would like to draft some language for the Section on Enforcement under the regulations. The Commission agreed to keep the Hearing open to hear her proposal.

Mr. Lesser moved to continue the hearing to June 2, 2011 at 8:00 p.m., Ms. Stiller seconded, voted to approve 5-0.

### **Discussions**

#### Discussion #2 – Commission to award Sherborn student from D/S High School

The Agent explained to the Commission that Mr. Lesser had exchanged emails with a teacher from D/S High School who explained that the Dover Conservation Commission awards a senior Dover student with a Conservation Award annually. Mr. Lesser asked the Agent to follow up with the teacher to see if the Sherborn Conservation Commission could do the same for a Sherborn student at Dover-Sherborn. The Agent spoke with the Environmental Teacher and set up the presentation of the award by the Sherborn Conservation Commission. The D/S High School Administration made a decision to have the Sherborn Commission award Gwen Crosby, a Sherborn student, the Conservation Award. She has been working on composting school lunches and organic gardening. She has also shown a long term vested interested in many conservation related subjects over the years at D/S. The Commission discussed the review process for picking a

student for the award and would like to have more input on it since we were the department giving the award. Due to the time constraint, the Commission agreed to the recommendation but requested that next year they would like to have more input on the award criteria and the student chosen.

Ms. Tyler suggested a two year subscription to Organic Gardening Magazine would make a fitting award in this instance. The Commission agreed and asked the Agent to move forward.

### Discussion #3 – Ward Park Beavers

The Agent explained that beavers have created a blockage in the outfall piping at Ward Park Pond, which is under the control of the Conservation Commission. The outfall pipe drains into our town's stormwater system. This has not caused a major blockage of the stormwater system.

The Agent presented options to remedy the situation. If the Board of Health assesses the situation as an emergency, then the Commission may issue an Emergency Certification to trap the beavers and remove the blockage by hand. Another common approach is to install a flow-device (beaver deceiver), but since the beavers have blocked the outfall instead of building a typical dam, this approach will not work. But the outfall could be covered with fencing to keep the beavers from blocking the outfall.

The Commission agreed to first try to work with CMD to fence it off. Ms. Tyler suggested the Commission approach the Town Animal Officer to come down and assess the situation and offer an opinion as to what may work to solve the problem from his experience. The Commission agreed and asked the Agent to move forward.

### Administrator/Agent's Report

- **Update on Agents Workshop on Conservation Restriction monitoring** – The Agent distributed handouts from the Workshop she attended. The goal of the workshop was to give participants the basic information and skills to be able to properly document and monitor fee-owned and conservation restricted properties.

The Agent has determined that there are approximately 7 sites in the Town with Conservation Restrictions, which need to be monitored. The Agent would like to purchase a GPS unit and will download a free application to use data points taken in the field by the unit and upload to our Arc GIS application. This will help Conservation work on annual monitoring of these properties, documentation of invasive species on Town lands, mapping, etc.

Ms. Tyler volunteered to research the particular Garmin model and determine if this unit is best for the Commission.

- **Update on Town Land Cleanup** – The Agent explained that Peter Brockway completed trail maintenance of the Bay Circuit Trails on May 14<sup>th</sup> with a

volunteer team. Mr. Brockway and the Agent will continue to work on other Town lands such as Hidden Meadow. There is a lot of Japanese Knotweed at Hidden Meadow. The Commission determined that the Agent should file an RDA on behalf of the Commission to permit the control of this particular invasive.

The Agent suggested they compile a list of volunteers for trail/land maintenance for the Commission to call. The Commission is signed up for a library display from July-August and could put up a volunteer sheet there. The Agent also noted that the Boy Scouts are currently working on a new Bailey Trail sign for the Old Orchard Road entrance.

Adjournment: There being no other business to attend to, Mr. Lesser moved to adjourn at 10:30 p.m. Ms. Stiller seconded and it was voted to approve 5-0.

Respectfully submitted,

Debora Anderson  
Minutes Clerk

Documents Presented at the May 19, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Discussions**

Discussion #3 – Ward Park Beavers

- Agent's Report dated May 19, 2011 regarding the Ward Park Beavers.
- Photos of the culvert and dam dated May 17, 2011
- DEP document titled "Guidance for Conservation Commissioners Implementing G.L. c.131, s.80A Threats from Beaver and Muskrat-Related Activities" dated February 1, 2001
- Flow Chart Document titled, "Procedure for Alleviating Beaver or Muskrat Related Conflicts under M.G.L. Ch. 131 sec. 80A".
- Sherborn Board of Health document titled, "Sherborn Board of Health Procedures for Dealing with Beavers/Musk rats" approved by the Sherborn Board of Health on April 28, 2008.

**Public Hearings**

Public Hearing #1 – Amendments to the Sherborn Bylaw Regulations

- Sherborn Wetlands Regulations adopted December 1994, last revised February 2009.

**Administrator/Agent Report**

Update on Agent's Workshop on Conservation Restriction monitoring

- Survey Map of Wolbach Farm Development
- Sudbury Valley Trustees document titled "Baseline Documentation and monitoring Workshop" by Thai Ha-Ngoc
- Plan of Land in Sudbury, Mass. Survey date May 1, 1965
- GIS map of Hamlen Woods Baseline Documentation-Photo Key
- Flyer from PowerPoint presentation from Baseline Documentation Workshop

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