

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

July 6, 2011  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

**Members Present:** Alex Dowse, Michael Lesser, Steve Gaskin (Chair), Susan Tyler, Kelly McClintock

**Guests:** Eliot Taylor, Matthew O'Connell, Bill Picardi

**Requests for Determinations of Applicability:**

**15 Spywood Road (Proposal to install a new well, septic system & abandon septic tank and old well):**

The applicant's representative, Matthew O'Connell was present. The Agent presented the proposed plan to the Commission. The new well is proposed within the 50'-100' buffer zone of bordering vegetated wetlands. The new septic system is proposed more than 125' from the bordering vegetated wetlands. Erosion controls are proposed to be installed approximately 64' from the edge of the bordering vegetated wetlands and all proposed work is within the lawn area. The Agent proposed conditions to be associated with the Determination in order for work to proceed, which were the following; (1) straw bales & silt fencing to be erect along the limit of work, (2) machinery will be kept outside of the 100' buffer zone, and (3) all altered locations shall be raked and reseeded, and (4) during the **rotary drilling**, the broken pieces (cuttings) which are flushed upward and out of the hole by circulating a drilling fluid shall be directed out of the 100' buffer zone into a catchment area on the lawn area. All of the broken piece and rock shall be cleaned up and area restored to original state. Mr. Gaskin moved to accept the Agent's recommendation for a Negative 3 Determination with supporting conditions, Mr. Lesser seconded and it was voted to approve 5-0.

**31 Old Orchard Road (Proposal to construct a new deck, farmer's porch & walkway):**

The applicant representative, Bill Picardi, was present. The property owner had applied for a Determination in 2010 and is now proposing to alter that proposal. Due to the complete change in the scope of work, the applicant was required to re-file the Determination. The proposed deck is 54' from the edge of the bordering vegetated wetlands (BVW) and the proposed farmer's porch is approximately 90' from the BVW. Also, a dry well is proposed for outside the 100' buffer zone. The proposed deck supports will be hand dug and the limit of work along the deck area will be 50' from the bordering vegetated wetland. All of the work will be in lawn area. The Agent recommended the following conditions; (1) erosion controls shall be established around the culvert of the intermittent stream, (2) all soils excavation during the construction of the porch will be removed from the site, (3) all construction debris and cement mixing will be kept outside of the 100' buffer zone, and (4) the proposed drywell will be sized to take the proposed drainage. Mr. Gaskin moved to accept the Agent's recommendation for a Negative 3 Determination with supporting conditions. Mr. Lesser seconded and it was voted to approve 5-0.

**CM & D (Proposal to grind and repave Route 27, south from Goulding Street to the Medfield/Sherborn Town line)**

No one was present to represent the applicant at the meeting. The Agent walked the length of the roadway to be repaved with Ed Wagner. The Agent asked that filter fabric be replaced within the catch basins and straw wattles be used along stream areas for sediment control. The Agent is waiting for the wattles to be installed for approval. Mr. Gaskin moved to accept the Agent's recommendation for a Negative 3 Determination and supporting conditions. Mr. McClintock seconded and it was voted to approve 5-0. The Agent was requested to examine the conditions of the last project.

**147 Western Avenue (Proposal for installation of a septic system):**

No one was present to represent the Applicant at the meeting. The Agent presented the proposal for testing and installation of the septic system. She explained that the designer has kept the limit of work approximately 120' from a bordering vegetated wetland. Mr. Gaskin moved to accept the Agent's recommendation for a Negative Determination. Mr. Lesser seconded and it was voted to approve 5-0.

**37 Oldfield Drive (Proposal for installation of a septic system):**

No one was present to represent the Applicant at the meeting. The Agent explained that the proposed work was approximately 150' away from the bordering vegetated wetland and recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation for a Negative Determination. Mr. McClintock seconded and it was voted to approve 5-0.

**30 Bogastow Brook Road (Proposal to construct a barn & associated fencing):**

No one was present at the meeting to represent the Applicant. The Agent explained that the proposed horse barn and fencing were located at least 200' away from an area of isolated land subject to flooding. Mr. Gaskin moved to approve the Agent's recommendation for a Negative Determination. Ms. Tyler seconded, it was voted to approve 5-0.

**8 Apple Street (Proposal to demolish an existing dwelling):**

No one was present at the meeting to represent the Applicant. The Agent explained that bordering vegetated wetlands were located on the western part of the parcel and were more than 400' from the proposed limit of work. Mr. Gaskin moved to accept the Agent's recommendation for a Negative Determination. Mr. Dowse seconded and it was voted to approve 5-0.

**Town of Sherborn – Farm Pond (Proposal to construct fencing and electrical line to the yacht club):**

No one was present to represent the Applicant. The Agent explained that a representative of the yacht club is proposing to construct a gate to restrict trail access. The gate would be located on a portion of Town property. The gate would be located approximately 6 feet from the edge of Farm Pond and would be 8 feet high. The Agent noted that some Sweet Pepperbush (*Clethra alnifolia*) and Highbush Blueberry (*Vaccinium corymbosum*) may need to be removed to install the gate. The Agent tried to contact the applicant about the location and construction sequence for the electrical line but did not receive a call back. The proposed electrical line would extend from Artemis Joukowsky's home to the Yacht Club. The Agent recommended obtaining more information from the applicant on the electrical line and vegetation to be removed for the installation of the gate or issue a Positive Determination for lack of evidence. Mr. Gaskin moved to continue the discussion to the next meeting based on the applicant signing a 21-Day Waiver; if the applicant did not then the Determination would stand as a Positive for lack of information. Mr. Dowse seconded and it was voted to approve 5-0.

**Discussions****Discussion #1 – Review proposed Conservation Restriction for Commission control and recommendation to BOS:**

The Agent presented a Conservation Restriction (CR) proposed by the Willis Family for Charlescote Farm to be under the controls of The Trustees of Reservations. Mr. McClintock explained that the Conservation Commission should provide the Selectmen with a recommendation on whether or not this CR would be beneficial to the Town and therefore should be approved at the meeting. The Agent then provided evidence for why the CR should be recommended for approval: the location of the CR was identified in the 2007 Open Space Plan as a "Critical Protection Area" for a wildlife corridor, watershed protection, habitat for rare, threatened, or endangered species and continuity of open space; the proposed CR parcel is surrounded by other parcels which are under

Conservation Restrictions approved by the town in 2005 and held by the Trustees of Reservations and by The Audubon Society. Mr. Gaskin moved to draft a letter to the Board of Selectmen recommending the acceptance of the Conservation Restriction. Ms. Tyler seconded and it was voted to approve 5-0. The Commission asked the Agent to prepare a memo to the Selectmen and send a copy to the Willis family thanking them for their generosity.

**Discussion #2 – Conservation Land Management for FY 12:**

The Agent requested that the Commission begin drafting land maintenance plans for each parcel of conservation land. She suggested that they look at each property and determine how many times per year it needs to be mowed/maintained and then propose a proper budget for it in FY13. The Agent also discussed mowing (in FY12) timelines for Hidden Meadow, Barber Reservation, Schoolhouse Lot, Hopestill Reservation (draft an agreement for Laurie Woodward & Richard Robinson), and the Ed Perry Trail entrance.

**Discussion #3 – Scope of Work for Sassamon Golf Course Peer Review:**

Mr. Gaskin stated that the Scope of Work document looked good and was a good starting point to send to Natick to begin discussions. Ms. Tyler stated she did not have time to review the document and would like to offer comments to Mr. Lesser, who began drafting the document. It was agreed that after Ms. Tyler had a chance to comment that the draft would be finalized and sent to Natick.

**Discussion #4 – Hidden Meadow Trail Maintenance/NOI update:**

The Agent presented an estimate of cost to file a Notice of Intent for the removal of invasive species at the Hidden Meadow property. The Commission discussed combating the invasive with Roundup Pro. This commercial herbicide requires application by a licensed professional. The Agent recommended cutting the top of the invasive first to exhaust the energy in the root system and then cut and treat it with herbicide in August. The Commission agreed. Ms. Tyler stated she may be able to gather some equipment to help the Commission with the project. Any member of the Commission available on July 20<sup>th</sup> @ 3:00 pm will meet to begin the cutting. The tops will be removed and burned.

The Commission discussed the lack of funds available to pay for mowing of Hidden Meadow this year. Possible sources of funds include the Sherborn Rural Land Trust, the Sherborn Fund (Challenge Grant). The Commission could ask the Selectmen for funding reserve fund transfer for the maintenance of town land. Mr. McClintock agreed to call George Fiske to see if he could work out coordinating on using the Challenge Grant for the maintenance of Hidden Meadow.

*The following discussion was added to the Agenda at the time of the meeting, as an unforeseen issue.*

**Discussion #5 – Status of request for Town Council to review Sherborn Wetland Regulations & Bylaw & request Town Council to review Section 7.7 of Sherborn Wetlands Bylaw:**

The Agent explained that Ms. Tyler had asked when she was going to speak with Town Counsel about the review of the Wetlands Bylaw and Regulations. The Commission discussed and a majority of the members agreed that the vote from April 7, 2011 still stands, which is to send the Bylaw and Regulations with amendments to Town Counsel once all the ongoing review is completed and all changes are approved by Commission vote.

### **Approval of Minutes of June 16, 2011:**

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

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

- **59 North Main Street Violation:**  
The Agent discussed her site visit to the property on May 25, 2011. A prospective buyer had cleared some of the wetland and buffer zone vegetation around the existing dwelling and barn to create access to other portions of the property. The current owner does not live on the property. The Agent requested that once the prospective buyer becomes the property owner he should file a Notice of Intent for proposed work (subdivide parcel into 3 lots) and remediation for alterations to a wetland resource. Mr. Gaskin asked her to file an Enforcement Order to ensure that the NOI is filed and the work completed in a timely manner.
- **New MESA regulations Update:**  
The Agent provided the Commissioners with a data sheet outlining changes to the MESA Regulations from October 15, 2010. She briefly discussed changes that affect Sherborn's filing process.
- **Rising Tide Update:**  
The Agent reported that she met with Mark Beaudry of Meridian Associates to review the wetlands delineation line. The old wetland stakes were removed. Mr. Beaudry is drafting the final plan with the old stakes removed and a check has been sent to the Agent for recording the Extension.
- **DCR Trail Grant:**  
The Agent stated that the Recreational Trails Program provides funds to non-profit organizations, municipal, state and federal land managers to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. She suggested the Town (Commission) apply for its use to complete an environmental study of the vernal pool along the proposed rail trail, which was recently purchased with grant funding from 2010. The Commission requested that the Agent apply and agreed that the Commission will review the application before sending it out.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 9:25 pm, Mr. Lesser seconded and it was voted to approve 5-0.

Respectfully submitted,

Debora Anderson  
Minutes Clerk

**Documents Presented at the July 6, 2011 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

**Discussions**

**Discussion 1- Review of proposed Conservation Restriction for recommendation to BOS**

- A copy of the Conservation Restriction to the Trustees of Reservations for Charlescote Farm, Sherborn, MA.

**Discussion 3 – Scope of Work for Sassamon Golf Course Peer Review**

- A report titled “Sassamon Trace Golf Course: Scope of Work for Review of Sherborn Conservation Commission Conditions in Perpetuity”, draft dated June, 2011

**Administrator/Agent’s Report:**

**59 N. Main Street Violation**

- Site Visit Report by the Agent dated May 24, 2011

**New MESA Regulations update**

- Massachusetts Endangered Species Act Summary of Regulatory Revisions Effective October 15, 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