

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

August 25, 2011

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Alex Dowse, Michael Lesser (acting Chair), Susan Tyler, Kelly McClintock, Will Willis (arrived at 7:05 PM), Bridget R. Graziano (Administrator/Agent)

Guests: Audrey Raycroft, Brian Bigelow, Roger Stern (via conference call)

Call to Order: Michael Lesser (acting Chair) called the meeting to order at 7:04 PM

Requests for Determinations of Applicability

Mr. Willis arrived at 7:05 PM.

156 Farm Road-Proposal to install a lap pool:

No one was present to represent the applicant. The Agent presented the applicant's proposal to install a lap pool on an existing patio. She explained the project shall not take place within the Commission jurisdiction and recommended a Negative Determination. Mr. Lesser moved to accept the Agent's recommendation of a Negative Determination. Mr. Willis seconded and it was voted to approve 5-0.

77 Whitney Street-Proposal to construct a barn and manure management area:

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a barn for livestock and manure management area. She explained the barn was approximately 101' from the wetland resource, known as a pond. She further explained that the applicant understood that if he extends any portion of this project into the buffer zone he must re-apply to the Commission for approval. Mr. Schiavi assured the Agent that he will not allow livestock, fencing, and/or manure in the

0-100' buffer zone to the wetland or the wetland itself without prior approval of the Commission. Therefore, she recommended a Negative Determination. Mr. Dowse moved to accept the Agent's recommendation of a Negative Determination. Mr. Willis seconded and it was voted to approve 5-0.

17 Brook Street-Proposal to construct a paddock, dressage ring, and barn:

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a barn, paddock, dressage, ring, and manure management area. She explained there is a wetland resource present on the adjacent property; however, the project did not fall within the jurisdiction of the Conservation Commission. She recommended a Negative Determination based on her site visit. Mr. Dowse moved to accept the Agent's recommendation of a Negative Determination. Ms Tyler seconded and it was voted to approve 5-0.

54 Everett Street-Proposal to improve gravel driveway and construct an addition:

Audrey Raycroft, the realtor for the property, was present to represent the applicant, Johanne MacDonald. Ms. Raycroft stated she is representing Ms. MacDonald, who is trying to sell her home and they have received many inquires regarding what can be done with the property, so decided to file an RDA to find out if a driveway and/or addition are possible in the buffer zone. She explained that she is removing the proposed addition from the RDA. In addition, she would be noting that the driveway would consist of permeable or pervious materials. The Agent presented her findings and stated the driveway at its extent was 33' from a shrub swamp and bordering vegetated wetland. However, she believes the site was once a driveway with gravel and is now grass and some gravel, so is an altered buffer zone. She recommended that with the proposed permeable or pervious materials and limited machinery in the buffer zone, she would recommend a Negative 3 Determination. The Commission asked what conditions she would pose for the project, and she stated the following conditions: (1) pitch the driveway drainage away from the wetland resource; (2) the current property owner shall provide a proposed plan noting materials to be used, construction sequence, access points, and machinery placement, and shall provide credible evidence that the project shall not cause adverse impacts to the wetland resource during or post-construction; (3) restricted machinery use in the 100' buffer zone; and (4) restricted placement of soil materials in the 100' buffer zone. Mr. Lesser moved to accept the Agent's recommendation with proposed conditions based on the finding that the proposed driveway is already altered (lawn and driveway) and the project shall not cause an adverse effect to the wetlands, provided the property owner meets the required conditions. Mr. McClintock seconded and it was voted to approve 5-0.

88 Brush Hill Road-Proposal to install two greenhouses:

No one was present to represent the applicant. The Agent presented the applicant's proposal for the construction of two 10' x 10' greenhouses spaced one foot apart. She further explained that the project shall take place 75' from a bordering vegetated wetland. The site proposed for the greenhouses was lawn, known as altered buffer zone. Therefore, she recommended the project be approved under a Negative 3 Determination with special conditions. The conditions entailed: (1) seeding the exposed soils surrounding the greenhouses with a Conservation/Wildlife Mix; (2) the work shall be completed by hand with only the use of small wheel mounted tools; and (3) the Agent completing a final inspection to ensure the greenhouses are positioned in the proposed location.

Mr. Lesser moved to approve the Agent's recommendation of a Negative 3 Determination with conditions. Mr. McClintock seconded and it was voted to approve 5-0.

16 Prospect Street-Proposal to remove existing deck, place and add larger deck on the side:

Brian Bigelow, the contractor, was present as the applicant for the property owner, Mr. Lynch, the Trustee. The Agent presented the proposed project to demolish an old concrete landing and portions of an existing deck, reconstruct the landing, and add a new larger deck. She further explained the proposed project is 70' from bordering land subject to flooding and a bordering vegetated wetland. The machinery and materials will be stored in the driveway which is 27' from the wetland resource. The project area is currently altered buffer zone, landscaped flower beds, retaining wall, and lawn. The Agent recommended a Negative 3 Determination with special conditions. The conditions entail: (1) no erosion controls are needed, however, the Commission reserves the right to require them at any time; (2) any excavated materials shall be removed from site and immediately disposed of at the proper disposal site; and (3) any vegetation proposed within the jurisdiction of the Commission shall need prior approval before planting. Mr. Lesser moved to approve the Agent's recommendation of a Negative 3 Determination with conditions. Mr. McClintock seconded and it was voted to approve 5-0.

18 Wildwood Drive-Proposal to install septic system:

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a septic system and line to new septic tank. She explained that the proposed leaching field, not including the limit of work, would be at approximately 150' from the 100' Vernal Pool Habitat Zone. The limit of work would extend into the no-alteration zone. Based on the slope, location of leaching field, reduction in forested buffer zone, canopy, potential to alter the existing topography causing alteration of the drainage into the Vernal Pool, and lack of information on limit of work, and maintenance of rip rap slope, she would recommend a Notice of Intent, a Positive Determination. The Commission discussed the placement of the leaching system and if there were other locations on the property to place it. Mr. McClintock moved to approve the Agent's recommendation of a Positive Determination based on her findings. Ms. Tyler seconded and it was voted to approve 5-0.

Bailey Trail-Proposal to repair old kiosk:

No one was present to represent the applicant. The Agent presented the proposal to construct a new kiosk along Bailey Trail. She further explained the kiosk would be 57' from the intermittent stream and 16' from an isolated wetland. Due to the small scope of work to install the kiosk, she recommended a Negative 3 Determination with special conditions. The conditions for work under the RDA are: (1) all work shall be completed by hand, under the supervision of an adult, and the location of the kiosk is to be determined by the Commission and/or the Agent prior to installation; and (2) no pressure treated wood shall be used to construct the kiosk, the only portion approved for use of pressure treated lumber and plywood for the roof. The Commission discussed implementing conditions for working on land under their control to protect continued replacement and damage from pouring concrete to place the footings in. The condition would state that footings shall be constructed with use of PVC piping and gravel to secure the footings into the ground instead of the proposed use of concrete to secure the footings. Mr. Lessser moved to accept the Agent's recommendation of a Negative 3 Determination with conditions and the special conditions for work on Conservation land. Mr. Willis seconded and it was voted to approve 5-0.

Perry Street Trail-Proposal to repair two bridges over BVW:

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace one existing bridge along a trail and replace another bridge along the same trail, known as the Bay Circuit Trail, across Town Forest land. She recommended a Negative 3 Determination with special condition. The conditions for the RDA were: (1) all work shall be completed by hand, under the supervision of an adult, and prior to the placement of the bridges; (2) the Agent will review the wetland area to facilitate in reducing impacts to the wetland resource during placement; and (3) the applicant shall not paint the plywood with non-slip paint. If the applicant must apply a non-slip base for the bridge then it must be approved by the Commission and must be all natural. Mr. Lesser moved to accept the Agent's recommendation of a Negative 3 Determination with conditions. Mr. McClintock seconded and it was voted to approve 5-0.

Discussions**Discussion 1 – 54 Spywood Road Enforcement Order**

Canceled by the property owner and continued to September 1, 2011 at same time.

Discussion 2 – 152 Maple Street:

No one was present to represent the property owner, Mr. Stern. The Agent presented the issued Enforcement Order to the Commission and explained Mr. Stern would like to be conferenced in for the discussion. She further explained that the property owner had removed a tree from the bank of a bordering vegetated wetland, the machinery had been placed in the wetland to remove the tree, and the chips from the tree were used to

suppress Oriental Bittersweet in the 0-100' buffer zone. Mr. Stern has also removed some vegetation from the buffer zone, mostly invasive species but some native Herbaceous layer. The Commission reviewed the pictures and discussed the current state of the site and alterations to the bordering vegetated wetland and its associated 100' buffer zone. Mr. Lesser moved to ratify the issued Enforcement Order. Mr. McClintock seconded and it was voted to approve 5-0.

The Commission discussed amending the current Enforcement Order. The Agent had spoken with the property owner, Mr. Stern, who had explained to her that he would like to continue to keep the wood chips within the buffer zone to suppress the Oriental Bittersweet, which was his initial objective. This objective turned into a violation of the State and local laws and regulations. The Commission agreed with Mr. Stern and would like to accomplish the removal of the invasive species, however he would need to protect the wetland resource at the same time. Mr. Dowse stated he would like to have the applicant submit a plan for invasive control and keep the chips until spring. Mr. Lesser stated he could agree to keeping the chips, if successful at suppressing the invasive bittersweet. He stressed the importance of keeping the chips from spreading and entering the wetland resource; therefore, he agreed with the Agent's requirement of installation of siltation fence along the bank of the wetland.

The Commission discussed the timing of re-vegetating the buffer area currently covered by the wood chips and whether it should begin this Fall or next Spring and what planning time is needed. The need for an overall re-vegetation plan was also discussed. It was noted that the planting of about 12 shrubs within the wood chip area could be a beginning for re-vegetation.

Mr. Willis left at 8:40PM

The Commission called Roger Stern at 8:55 pm on conference call. He explained the background of the fill on the lot from when the house was built 1946, which invited the invasive vegetation. He explained his goal to control the invasive species. Mr. Lesser explained to Mr. Stern the Commission could allow to leave some of the wood chips for suppressing invasive species, if a siltation fence was placed along the wetland to prevent the migration of wood chips into the wetland during rain events. . In order to more likely establish native re-vegetation, Mr. Stern agreed to complete plantings this fall within wood chips with the goal of eventually removing the chips and later evaluation of re-vegetation needs. The Agent and Mr. Stern would discuss the vegetation for the buffer zone, possibly (6) *Viburnum dentatum* and (6) *Ilex opaca* (American Holly), which she would approve. The Enforcement Order shall be amended to reflect this evening's discussion, and she would amend the 5th bullet point in the Enforcement Order attachment to add language to allow the chips and add placement of vegetation within the wood chips. She will approve the native plants and discuss plans for wood chips and erection of siltation fencing. The Commission will re-evaluate the progress in the spring

of 2012. Additionally, bullet point 6 will be amended to be less specific, bullet point 7 will be removed, and the date in the last bullet point will be amended. The Commission asked the Agent to draft the amended Enforcement Order and bring to September 15th meeting for the Commission to review, ratify, and sign.

Approval of Minutes of July 21, 2011

Mr. Lesser moved to approve the minutes as amended at the meeting. Mr. McClintock seconded and it was voted to approve 4-0.

Administrator/Agent's Report:

- Grange Fair- The Agent requested member volunteers to set up and work our station. Mr. McClintock agreed to if home. Mr. Lesser agreed to assist as well.
- Forestry Stewardship Plan- The Agent explained all organizations were awarded the grant and all organization should decided on a night to meet and agree on a Forester to hire to complete the plan and begin outreach.

Adjournment: There being no other business to attend to, Mr. Lesser moved to adjourn at 9:34 pm, Ms. Tyler seconded and it was voted to approve 4-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the August 25, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Enforcement Order

- WPA Form 5 Enforcement Order with attachment for 152 Maple Street issued August 11, 2011
- Plot Plan of Land for 152 Maple Street with Agent hand drawing of altered areas
- Pictures taken on August 1, 2011

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