

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 1, 2011
Sherborn Town Hall
7:00 P.M.
Minutes of the Meeting

Members Present: Michael Lesser (acting Chair), Alex Dowse (left at 9:15 p.m), Kelly McClintock, Andrea Stiller, Susan Tyler, Bridget Graziano (Administrator/Agent)

Guests: Mr. David Sun & Mrs. Shillock Yuan-Sun, Amy Rossiter

Mr. Lesser called the meeting to order at 7:03 p.m.

Requests for Determinations of Applicability:

47 South Main Street-Proposal to perform soil testing:

No one was present to represent the applicant. The Agent presented the applicants proposal to perform soil testing. She explained that the plans depict an area for testing, which is difficult to pinpoint due to the vagueness of the plan. She approximated that the tests would take place at 108' from a bordering vegetated wetland. However, after speaking with the applicant, Paul Saulnier of Civilized Solutions, she believes the testing will take place in the 50'-100' buffer zone. Therefore, she advised conditioning the project based on this assumption instead of having no conditions and assuming the work is all outside the buffer zone. She recommended a Negative 3 Determination with conditions. Mr. Lesser moved to accept the Agents recommendation of a Negative 3 Determination. Ms. Tyler seconded and it was voted to approve 5-0.

127 Mill Street- Proposal to construct an addition:

No one was present to represent the applicant. The Agent presented the proposal to construct an addition. She explained the proposed addition was approximately 245' from Dirty Meadow

Brook, a perennial stream. She recommended a Negative Determination. Mr. Lesser moved to accept the Agents recommendation of a Negative Determination. Mr. McClintock seconded and it was voted to approve 5-0.

66 Hunting Lane-Proposal to construct an addition and remove 7 trees and prune 2:

No one was present to represent the applicant. The Agent presented the applicants proposal to construct a garage and remove approximately seven trees and prune two. She explained that in reviewing the plan, she noticed some important information missing. She requested that the applicant submit a new plan with the specific information needed to make a proper Determination. The applicant had emailed the Commission a 21-day waiver to allow the Determination to be continued in order to submit the required information for the Determination. The Commission agreed to continue until September 15th based on the submission of the 21-day waiver.

Ms. Rossiter arrived at 7:16pm.

The Agent briefed Ms. Rossiter on the Commission brief discussion of her project, prior to her arrival. The Agent asked the Commission if they would like to hold a site visit to review the trees to be removed and pruned as this was part of the Commissions procedure under a Request for Determinations for tree removal in the buffer zone. The Commission asked Ms. Rossiter if she would agree to the site visit. She agreed. The Agent suggested any Tuesday at 8:00 A.M. The Commission agreed. Ms. Rossiter would like September 6th at 8:00am. Mr. Lesser asked the Agent to send along an email to the rest of the members.

Discussions

Discussion #1 –54 Spywood Road Enforcement Order:

The Agent reported that Mr. Orcutt requested to be placed on the September 15th Agenda because his consultant could not attend this meeting. The Agent has scheduled for him the same time at the September 15, 2011 meeting.

Discussion #2 –93 Maple Street:

No one was present to represent the applicant. The Agent explained the violation, which was the alteration of the 0-100' buffer zone from the construction of a dirt bike track. The Agent was notified of this alteration from an abutter to the property. She completed a site visit to the adjacent property and found the dirt bike track to be approximately 30' from a bordering vegetated wetland. She sent a violation notice to Kenneth Gray, one of estate's owners. Mr. Gray had contacted the Agent and agreed to the site visit on September 6, 2011 and to work out the violation. She will continue to monitor the situation.

Discussion #3 – 93 Goulding Street West:

Mr. & Mrs. Sun were present to discuss the violation found at the property of 93 Goulding Street West. The Agent present her findings and pictures taken of the lot in March of 2009, the new pictures of the violation site visit on August 24, 2011, and the pictures from the erosion control site visit on August 25, 2011. She explained the play area is within the 0-50' no-alteration zone and the two decks, shed, and fill are within the 50'-100' buffer zone of a bordering vegetated wetland. She also presented a letter from the Building Inspector stating that the shed and one of the decks are not permissible without variances because they are in the side and rear setbacks from lot lines.

Mr. Lesser discussed his position on the violation. He explained the state laws and the Sherborn bylaws surrounding permitting projects near wetland resources. The Commission reviewed the original permitted plan for the construction of the house with Mr. & Mrs. Sun. The original limit of work was depicted which was the extent of the altered buffer zone. The Commission would have to review any proposed plans for alteration which extend passed this line. Mr. Lesser stated that the decks, deck foundations, fill, shed, and play area, need to be moved outside the buffer zone because the project does not meet the performance standards for permitting in the buffer zone and the Commission has to take into account the eight interests of the act and how the alteration would affect the wetland resource. Some applicants receive permits for alteration of lawn areas – already altered buffer zone, usually with mitigation for the lost buffer area. The work undertaken on this site altered forested buffer zone, which provides significant protection of the wetland resources and has been lost in the alteration. He asked other members for their input.

Mr. McClintock explained that the Zoning Board of Appeals may not permit the decks and shed in the location they are currently constructed because none of the structures meet the required setbacks to the back and side lot lines. He suggested they might consider whether the ZBA would approved these structures in the current location, as without their approval the decks would need to be removed anyway regardless of Commission action.

Mr. Dowse suggested Mr. & Ms. Sun hire an environmental engineer to complete a restoration plan and at the same time draft plans for an area to place the decks outside the Commission's jurisdiction or on altered buffer zone.

Ms. Stiller voiced her concern for the content of the fill at site and that it did not meet our Performance Standards Section 10 of the Sherborn Wetlands Regulations. She requested the Agent to ask the Building Inspector if there are Bylaws about what types of fill may be used at a construction site.

Mr. Lesser discussed mitigation opportunities for alteration of the buffer zone. He asked that the Agent draft a non-punitive Enforcement Order for the correction of the site to its original state prior to the alteration. He asked Mr. & Mrs. Sun when they could have the fill removed by. It was determined it could and will be removed by September 15th. Additionally, he asked at what

date they could have a restoration plan for the site. Mr. Sun thought it was possible by October 3rd.

Discussion #4 – Forestry Stewardship Plan and Land Management:

The Agent told the Commission that the DCR Forestry Stewardship Grant had been awarded to the Commission along with the \$500.00 outreach component for each plot of land. She explained that the Commission needs to review the Foresters' resumes and meet with the other two organizations, the Sherborn Rural Land Foundation and the Upper Charles River Conservancy. At that meeting, the organizations can offer their opinions as to which Forester meets the goals of the organizations for the regional Forestry Stewardship Plan and make a decision as to who would be the best candidate to draft it. She passed out a datasheet for the members to write their goals at each plot; this will be discussed at a future meeting. Mr. Lesser asked the Agent to send the resumes to George Fiske for review. In addition, he asked that she send all the forestry information to the other Commissioners. He requested that Gary Gouldrup submit a Forestry Stewardship Plan that he recently drafted as a sample of his work. The Agent agreed to request it from him.

Public Hearings:

Public Hearing #1 – Sherborn Regulation Amendments

Mr. Lesser opened the hearing at 8:03 P.M. Mr. Lesser moved to continue the hearing to later this evening. Ms Tyler seconded it was voted to accept Mr. Lesser's motion 5-0.

- a) Section 2 – Definitions: No discussed
- b) Section 5.1 – Determination of Applicability: not Discussed
- c) Section 5.2 – Notice of Intent: Not Discussed
- d) Section 5.4 – Fee Schedule: Error in the column for Town Bylaw fee and it was amended.
- e) Section 5.4.1 – Filing Fees & Policies: Not Discussed
- f) Section 5.2.6 – Natural Heritage Filing: Not Discussed
- g) Section 5.5 – Hearings: Not Discussed
- h) Section 7 – Enforcement: 7.2 Definition- The commission discussed amendments to the definition. Mr. Lesser offered comments, it was amended from Agents proposed language
- i) Section 10-Performance Standards: Not Discussed

Mr. Lesser reopened the hearing at 9:12 p.m. The Commission discussed when to send the regulations to Town Counsel. Mr. Lesser asked how many people want to vote to approve the amendments, and who would prefer to just agree on the changes and send them along to Town Counsel.

Mr. Dowse left 9:15 p.m.

Mr. McClintock thinks it is important to get the language down, not vote to approve, but just send the amendments along to Town Counsel. He agreed it would take a short amount of time for Town Counsel to review and make a determination on language use.

The Commission reviewed Section 7 and Section 10. Some amendments were made, there was no vote taken.

Mr. Lesser moved to continue the Hearing to 8:00 p.m. on 9/15/11. Mr. McClintock seconded. Ms. Tyler asked for the Hearing to be moved to later time. The commission discussed the time and agreed on Mr. Lesser's motion and it was voted to accept 4-0.

Discussion

Discussion #5- Conservation Commission Budget and Accounts (not on posted agenda):

Ms. Tyler stated she would like to discuss the Commission's budget and wetlands filing fees. She requested it be placed on the Agenda. Mr. Lesser agreed and stated he is working on it. At this time he is not prepared to discuss this and will be shortly, at which time it will be placed on the Agenda.

Approval of Minutes of August 25, 2011:

The Commission discussed amendments 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:

- **Land Management Meeting:** The Agent notified the Commission that next meeting was September 19th. She discussed her concerns for last month's discussion about the Commission finance since she could not be there to offer her knowledge.
- **Firewood Program for next year:** The Agent and Mr. McClintock noted their concern for the cutting on Conservation Land and how it is portrayed by the residents.
- **Meetings for October 2011:** The Agent requested the October meeting be moved to earlier in the week. The Commission agreed on October 4th 7:00pm.
- **Agent Vacation:** The Agent notified the Commission that she would be on vacation from October 7-17.
- **Grange Fair:** Mr. McClintock mentioned he would be around to help.

Adjournment: There being no other business to attend to, Mr. McClintock moved to adjourn at 10:20 p.m., Ms. Stiller seconded and it was voted to approve 4-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the September 1, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Requests for Determination of Applicability

66 Hunting Lane

- Plans title dates

Public Hearings

Public Hearing #1 – Amendments to the Sherborn Bylaw Regulations

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

Discussions

Discussion 3

- March 2009 Pictures of 93 Goulding Street
- August 24, 2011 Pictures of 93 Goulding Street
- August 25, 2011 Pictures of 93 Goulding Street
- Plan titled “ Proposed House Location Plan, 93 Goulding Street Sherborn, MA” by Heritage Design Group, dated April 1, 2008
- Plan titled “ Existing Conditions” by J.K. Holmgren Engineering, Inc., dated August 29, 2011
- Letter from the Building Inspector, Walter Avallone to Mr. & Mrs. Sun, dated September 1, 2011

Discussion 4

- Resume of Gary Gouldrup
- Resume of Phil Benjamin
- Resume of Roger Plourde
- Outreach Goal Datasheet

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