

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

October 4, 2011

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members Present:** Steve Gaskin (chair), Michael Lesser, Kelly McClintock, Andrea Stiller, Alex Dowse, Susan Tyler (arrived at 7:17 PM), Bridget Graziano (Administrator/Agent)

**Guests:** Rick Aston, Paul Saulnier, Mr. Wallace, Ed Wagner

Mr. Gaskin called the meeting to order at 7:02 PM

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

### **67 South Main Street proposal to dig an underground entrance and French drain line:**

No one was present to represent the applicant. The Agent presented the proposal to install an underground entrance to the lower level of the existing dwelling and install a new French drain system, which shall discharge into a dry well. The Agent explained that the original proposed project was within the 50' - 100' buffer zone of a Bordering Vegetated Wetland. During the Agent's site visit the applicant proposed to move the French drain system outside the 100' buffer zone. New plans depicting this change were submitted and therefore the Agent recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Ms. Stiller seconded and it was voted to approve 5-0.

### **213 South Main Street proposal to perform soil testing and install a new septic system:**

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing and install a new septic system, pending the submission of septic system plans showing the new system located in the area shown on the plans for soil testing. The Agent found no wetland resources near the proposed area of activity during the site visit and recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's

recommendation of a Negative Determination. Mr. McClintock seconded and it was voted to approve 5-0.

**7 Goulding Street proposal to demolish and reconstruct a screened-in porch:**

No one was present to represent the applicant. The Agent present the proposal to demolish and reconstruct a screened-in porch on a larger foot print of 14' x 18'. The Agent found no wetland resources present on the property and recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Ms. Stiller seconded and it was voted to approve 5-0.

**147 North Main Street proposal to extend the Order of Conditions under the Permit Extension Act:**

The Agent presented a letter from Mr. Boyer requesting that the Commission honor the Governor's Permit Extension Act for all permits valid August 15, 2008 through August 15, 2010. Mr. Boyer Determination was valid during those dates. The Agent explained she will be issuing a letter stating that the Commission reviewed the Determination and found it met the qualification under the Permit Extension Act and therefore should be extended under this Act for 2 more years, making the Determination valid until September 21, 2014.

**266 Washington Street proposal to extend the Order of Conditions under the Permit Extension Act:**

The Agent presented a letter from Mr. Moruzzi requesting that the Commission honor the Governor's Permit Extension Act for permits valid August 15, 2008 through August 15, 2010. Mr. Moruzzi Determination was valid during those dates. The Agent explained she will be issuing a letter stating that the Commission reviewed the Order of Conditions and found it met the qualifications under the Permit Extension Act and therefore, should be extended under this for 2 more years, making the Determination valid until November 15, 2014.

Ms. Tyler arrived at 7:17 PM.

**6 Morse Road proposal to construct a deck:**

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a deck within the 0-50' no-alteration zone. The limit of work is approximately 33' from the Bordering Vegetated Wetland. She explained that during the site visit she found a mitigation area from a previous project had been planted with landscaping and ornamental plantings instead of the required native buffer zone mitigation plantings. The Certificate of Compliance clearly stated that the plantings were to be managed in perpetuity. The Commission discussed the condition for the proposed deck construction and how to have the property owner gain compliance with the conditions in perpetuity. Mr. Dowse moved to issue a Negative 3 Determination and require additional native plantings between the old mitigation area and the wetland resource. Mr. McClintock seconded. Mr. Gaskin asked for any discussion and the Agent

asked the Commission how many plantings should be required. It was determined that approximately 5-10 native plantings would be sufficient. It was voted to approve 6-0.

**37 Woodland Street (continued from 9/15/11 meeting) proposal to removed nine trees and prune one:**

No one was present to represent the applicant. The Agent presented the applicant's proposal, which had been amended from the original proposal of 9/15/11. Mr. McClintock moved to issue a Negative 3 Determination and Mr. Dowse seconded. Mr. Gaskin asked for discussion and the Agent presented proposed special conditions which included the proposed mitigation areas and how each shall be managed. Mr. Gaskin made the finding that the proposed mitigation was sufficient to overcome the presumption the wetland resource shall be altered due to work taking place within the no-alteration zone. The motioned was amended to include the Agent's conditions and Mr. Gaskin's findings. It was voted to approve 6-0.

**Discussions**

**Discussion #1- 103 N. Main Street Paul Saulnier:**

Paul Saulnier and Mr. Wallace were both present for a discussion regarding a proposal for future construction at 103 North Main Street. The Agent noted this is an informal discussion and no filings have been submitted. Mr. Saulnier presented the proposed septic system and new addition to the Commission. He noted that there is a concern the Commission will not allow a new addition within the 0-50' no-alteration zone, however, there are no locations on the property that are not within the Commission's jurisdiction. Additionally, due to the size of the lot and location of house, the possible locations for new additions are limited. Mr. Gaskin explained that Mr. Wallace may propose any work he wished but would be required to meet performance standards as listed under 310 CMR 10. 55. If Mr. Wallace could meet the performance standards then his project would have potential. The Commission thanked Mr. Wallace for coming to the meeting.

**Discussion #2 - 93 Maple Street Ratify Enforcement Order, 152 Maple Street Ratify Enforcement Order, 93 Goulding Street West Ratify Enforcement Order**

**93 Maple Street:** The Agent presented the Enforcement Order, of which the violations had been discussed at the September 15, 2011 meeting. The Agent met with Mr. Kenneth Gray on September 13<sup>th</sup> at 93 Maple Street and found alterations within the Bordering Vegetated Wetland. The Agent recited the requirements under the Enforcement Order. She had issued the Enforcement Order on September 22, 2011 and was requesting it be ratified by the Commission. Mr. Gaskin moved to ratify the Enforcement Order. Ms. Stiller seconded and it was voted to approve 6-0.

**152 Maple Street:** The Agent presented the Amended Enforcement Order, which had been discussed at the September 1, 2011 meeting. She had issued the Enforcement Order on September 22, 2011 based on the discussion with Mr. Stern at the September 1, 2011 meeting

and was requesting it be ratified by the Commission. Mr. Gaskin moved to ratify the Enforcement Order. Ms. Stiller seconded and it was voted to approve 6-0.

**93 Goulding Street East:** The Agent presented the Amended Enforcement Order, which had been discussed at the September 15, 2011 meeting. She had issued the Enforcement Order on September 19, 2011 based on the discussion with Mr. Sun and his representative at the September 15, 2011 meeting and was requesting it be ratified by the Commission. Mr. Gaskin moved to ratify the Enforcement Order. Mr. McClintock seconded and it was voted to approve 6-0.

### **Forestry Stewardship Goals-**

The Agent explained to the Commission that at our October 20<sup>th</sup> meeting, the Commission will be meeting with the Upper Charles River Land Trust and the Sherborn Rural Land Foundation. The meeting will be to discuss the regional goals for the Forestry Stewardship Plan for the Barber Reservation and other protected lands. The Agent asked if the members had used the goals sheet given to them at the September 15, 2011 meeting and to please present the goals in order to initiate some feedback from other members of the Commission.

Mr. Gaskin presented goals he drafted for Barber Reservation; the management of invasive species, encouragement of biodiversity through selective thinning of older trees, establishment of wildlife species habitat, and historic management of open fields, which would entail removal of vegetation to square off and open fields. The goals for Hidden Meadow are to establish a new parking area and new trails off of Western Avenue, increase and promote biodiversity through selective thinning of older trees, aggressive control of invasive species, and create improved wildlife habitat for specific species.

Ms. Tyler mentioned increased safety measures for the pedestrian's crossing over Western Avenue to get to Barber Reservation as well as parking lot was installed along Western Ave for Hidden Meadow. Mr. McClintock questioned whether income would play a role in our goals or not. Mr. Dowse does not think that we can generate income for our benefit and questioned if the town can keep the money. He also noted that he agrees with the goals mentioned by Mr. Gaskin. Mr. Lesser explained he would like to find out the cost to complete the work covered. The Agent asked if there would be any carbon benefit from the selective removal old growth with new growth. Mr. Dowse though there would be. Mr. Lesser added that the chair of the Weston Conservation Commission where significant forestry work was being undertaken thought that it was not the carbon issue was complicated and unclear if any benefits

The Commission agreed on the goals for **Barber Reservation and Hidden Meadow were improvement or establishment of wildlife habitat, overall passive recreation, expansion of fields to historic open field width, new trails and parking, invasive species control, and to increase biodiversity for understory.**

Ms. Tyler mentioned that the improvement of fire roads needs to be a priority and should be managed properly.

**Public Hearings:****Public Hearing #1 – CM& D Routine Town-Wide Maintenance**

Mr. Gaskin opened the hearing at 8:01 PM. Mr. Wagner, the CM&D Director was present as the applicant. The Agent explained that she and Mr. Wagner had been working on a General Notice of Intent for routine maintenance throughout town. The current process for Chapter 90 funded projects is not working and is very time consuming. She noted that many if not all other projects within the jurisdiction of the Commission are not reviewed by the Commission. This General Notice of Intent for the generation of a General Order of Conditions shall allow for better communication and an expedited process for approval of routine work. Mr. Dowse stated that he would like to have the line removed which requires CM&D to only remove debris and trash from streams and wetland resources by hand. Mr. Wagner discussed removal of debris and trash from wetland resources, he believes that it could be done by hand, but he would prefer to use a backhoe. Mr. Dowse does not like section 3.1.2 because he would like the Commission to review each project. Mr. Wagner and the Agent agreed this would contradict the idea of the General Order of Conditions. It was discussed that the Commission would still be reviewing the activities undertaken (and which would be limited to those noted in the NOI) but without delaying the work and with less burden on CM&D.

Mr. Lesser read section 3.2.1 about the annual report and would like to see the planned work and not the previous work presented. He asked if it was reasonable to have an annual meeting to discuss work foreseen in order to help the overall process. The Commission then discussed that they would still have the power to approve known activities annually as part of the annual meeting with the CM&D Director on expected work. It was pointed out that not all work shall be permitted under this Order as the NOI only specifies certain generally routine and minor work. The activities which the Commission would like to review on a case by case basis due to the severity of the activity could alternatively follow the regular permitting process of an RDA or NOI. Mr. Wagner stated that he receives calls from residents about issues that need immediate assistance and cannot wait for Commission approval. He would like to inform the Agent and work with her to have the work completed, while protecting the wetland resource. The Commission would be notified post-completion.

Mr. Gaskin suggested having an annual meeting about items that Mr. Wagner foresees to be completed in the upcoming year for items that are covered under the GNOI and other items that are not. All items covered under the Order would be reviewed and approved by the Agent. Mr. Lesser suggested changing section 3.1.2 moved first paragraph up to section 3.1.1. and to change the annual report date to February/March for moving forward. The Commission would like feedback on how the process is working. Mr. Wagner stated that he had begun using Microsoft Access to generate a program for permit tracking and would use this to track the routine projects approved by the Agent. The Commission asked the Agent to clarify the 4.2 language.

Mr. Gaskin moved to continue the hearing to October 20 7:40 pm Ms. Tyler seconded. 6-0

**Public Hearing #2 – Sherborn Regulation Amendments**

Mr. Gaskin opened the hearing at 9:07 P.M. Mr. Lesser moved to continue the hearing. The Commission discussed future meeting dates. Mr. McClintock and the Agent spoke about meeting on October 25<sup>th</sup> to discuss budget so that they could work on the regulations as well. The Commission agreed the best date to meet was October 26<sup>th</sup> @ 5:30 pm. Mr. Gaskin seconded with an amendment to continue the hearing to 5:30pm on October 26<sup>th</sup> and it was voted to approve 6-0.

- a) Section 2 – Definitions: Not 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: Not Discussed
- 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- Not Discussed
- i) Section 10-Performance Standards: Not Discussed

The Agent noted that she cannot attend the November 3, 2011 meeting and asked the Commission if they could move to November 2, 2011. It was agreed. The Commission also decided to change the time of the meeting to 5:00 PM.

**Administrator/Agent's Report:**

- **Commission member to assist during Agent's Vacation-** Mr. Lesser to pick up messages on Tuesday and Ms. Stiller to do the same on Thursday.
- **Update of 54 Spywood Road-** The Agent updated the Commission that the property owner would be filing and that she had spoken with GLM Engineering who will be working on the NOI.
- **Edible Plantings for landscaping speaker-** The Agent explained she had been contacted by someone who is interested in holding a workshop on Edible Plants and they would like the support of the Commission. The members were not familiar with the speaker and requested the Agent get references before signing a letter of support. It was asked that the Agent write a one line letter thanking him for the email..
- **November 3<sup>rd</sup> meeting reschedule-** Discussed earlier in the meeting.
- **Schedule for presentation on Agriculture/Wetlands-** The Agent stated she would like to invite DEP's Pam Merrill to a future meeting to discuss Agricultural Exemptions under the Massachusetts Wetlands Protection Act. Mr. Dowse requested the Agricultural Commission be invited to any discussions and that he would like to invite a person from the Department of Agriculture to present information. The Agent would contact the Agricultural Commission to invite them to the meeting.

- **Farm Pond Pump House Repair-** The Agent updated the Commission on repairs to the farm pump house.

**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 6-0.

Respectfully submitted,

Bridget R. Graziano  
Conservation Administrator/Agent

Documents Presented at the October 4, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Requests for Determination of Applicability**

37 Woodland Street

- Additional Information September 2011 by Cedarlawn Tree with associated pictures and Diagram one and two

6 Morse Road

- “Renovations to: 6 Morse Road, Sherborn, MA” with new hand drawing by Rick Aston of Aston Construction

**Public Hearings**

Public Hearing #1 – CM&D Routine Maintenance

- Routine Sherborn Community Maintenance & Development Department Operations and Maintenance General Notice of Intent with attachments

Public Hearing #2 – Amendments to the Sherborn Bylaw Regulations

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

**Discussions**

Discussion 1

- “103 North Main Street Proposed Plan” by CIVILized Solutions, no date

Discussion 3

- “Stewardship Planning Worksheet”

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