

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

October 20, 2011

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members Present:** Michael Lesser (acting Chair), Kelly McClintock, Andrea Stiller, Susan Tyler, Bridget Graziano (Administrator/Agent)

**Guests:** Susan & Stephen O'Brien, Anthony Tarnell, Frank Hess, Paul Saulnier, George Fiske, Russell Waldon

Mr. Lesser called the meeting to order at 7:01 p.m.

## **Certificate of Compliance**

**266 Washington Street-** James Moruzzi has requested a partial Certificate of Compliance for the installation of a septic system, well, driveway, and new dwelling with patio. Mr. Lesser moved to grant the partial Certificate of Compliance based on the Agent's recommendation and site visit. Mr. Lesser asked to incorporate a friendly amendment, for septic system installation and new dwelling, well, and driveway are the only items that are being granted Certificate of Compliance and all other Conditions which have not been granted compliance shall stay and shall be noted on the form. The Agent noted the Conditions that are still outstanding, including row plantings and field maintenance and would need a Certificate of Compliance before the Order of Conditions may be removed from the title. Mr. McClintock seconded and it was voted to approve 4-0.

## **Determination (unforeseen agenda item)**

**46 South Main Street-** The Commission asked a gentleman if he was here for a specific item on the agenda. He responded that he was Russell Waldon for 46 South Main Street. The Commission explained this address/discussion was not on the agenda and therefore could not be

discussed. The Agent explained she did not get the application in time to post for the meeting and she did not have enough information to make a proper determination for the upcoming meeting. The project has been posted for the November 2, 2011 public meeting.

## **Discussions**

### **Discussion #1 – O'Brien's Forest Street Lot:**

Susan and Stephen O'Brien and Anthony Tarnell were present for discussion. Mr. O'Brien presented information from recent site visit with Mr. Lesser, Ms. Tyler, the Agent which took place on September 27, 2011. The Commission discussed the letter sent by Susan and Stephan O'Brien. Mr. Lesser asked if the O'Brien's were requesting an amendment to the Order at this meeting. It was agreed they were. The Agent stated that the O'Brien's must send a letter requesting what conditions they are requesting to amend and why, then the Commission can review information and make a determination on the request. Mr. McClintock asked if this letter submitted could act as their request for an amendment. The Agent explained that it was the Commission decision, since there is no "form" for submittal for a request for an amendment to the Order of Conditions. Mr. McClintock moved that the letter to be considered a request for an amendment, that it is a minor amendment, and the following requirements based on the letter are to be removed from the Order, the requirement for the planting of 24 trees, replacement of hydric soil, and application of wetland seed mix. Ms. Tyler seconded. Mr. Lesser asked for discussion. The Agent asked the Commission what information was presented at this meeting to allow these conditions to be removed from the Order. Mr. Lesser stated that he was not prepared to review this letter as an amendment and therefore has not properly reviewed the findings and conditions under the Order, and therefore cannot make an informed vote this evening. He noted that he was prepared to consider this issue in the Spring because due to delays it was not practical to do any plantings until then in any case. Ms. Tyler mentioned after seeing the site felt that there was a significant amount of re-growth of the forest and that the O'Brien's had in fact improved the wetland and buffer zone by significant removal of soil with high levels of contamination and of debris. It was voted to approve 3-1. The Commission agreed to discuss the specific conditions to be removed from the Order of Conditions that relate to the above vote. The property owners wanted to discuss the surface water testing condition at a future date.

### **Discussion #2 – Forestry Stewardship**

George Fiske of Sherborn Rural Land Foundation (SRLF) and Paul Saulnier of Upper Charles Conservation Land Trust (UCCLT) were present for the discussion. The Agent provided materials on each forester under consideration to draft the Forestry Stewardship Plan for the regional forestry management. Mr. Saulnier stated that UCCLT would like to use Phil Benjamin but would be more willing to work with the Commission on using a forester the Commission can afford. Mr. Fiske stated the SRLF would like to use Phil Benjamin as well because he has done work for members of the SRLF and is highly recommended. The Commission discussed the review each forester's resume and sample Stewardship Plans completed for other towns. It was noted that a major concern for the Commission is the cost because there is no budget for this. Mr. Fiske stated he would like to have someone who can speak well for public forums and therefore can justify the extra cost. Mr. McClintock agreed. The Commission discussed the

availability of funding to see if it is possible for us to fund Mr. Benjamin. Mr. Clintock brought up the possibility of the Commission using the Conservation Trust Fund if allowed under the provisions of G.L Ch 40 Sec 8C. Mr. McClintock agreed to call the two conservation agents who have used Mr. Benjamin to get a recommendation and to call Mr. Benjamin to discuss a reduced fee amount with commitment to a firm number.

The Agent agreed to submit a request to the Board of Selectmen to speak with Town Counsel for counsel to review what the Conservation Trust Fund may be used for and if the Commission in fact may use it for a Forestry Stewardship Plan and future land maintenance of conservation lands.

Mr. Lesser asked the Agent to clarify with Gary Gouldrup what he is offering for the cost-share, and would this include the educational component.

The Agent also agreed to contact Mike Downy to see if the foresters can submit bills under the grant that qualify for a public outreach component.

Mr. Lesser moved to request access to Town Counsel to determine the use of the Conservation Trust Fund. Ms. Stiller seconded and it was voted approve 4-0.

### **Discussion #3 – Lyndia Pyron**

The Agent had invited Ms. Pyron to the meeting to interview with the Commission for the Minutes Clerk position. She had not arrived. Mr. Lesser mentioned that she has been working for the Planning Board to take the meeting minutes. He asked the Agent to get a writing sample and performance information from Mr. Carlucci, the Town Planner, and then stated that if everything checks out okay he would be willing to try her out on a temporary consultant basis.

### **Public Hearings:**

#### **Public Hearing #1 – CM&D GNOI Community Maintenance & Development:**

Mr. Lesser opened the hearing at 7:47 PM. Mr. Wagner was present for the discussion. Mr. Lesser began by discussing the submission of an annual report with Mr. Wagner. He wanted the focus of the report to be on what work was expected to be performed to identify what fit under the GNOI. Everyone agreed to change the language for the timing of the annual report to be submitted in February or March or at the beginning of the work season. Mr. Lesser was concerned with Alex's comments from the last meeting and that the Commission should address them properly, since he was not here. The Agent was asked to send out electronic copy of the NOI. The Commission discussed the two-week notification form and editing it to fit the Commission's needs. Mr. Wagner has begun to generate a Microsoft Access data base to track the annual maintenance. The Commission asked Agent to find out on what property to record the General Order of Conditions, once drafted. The Commission and Agent discussed the sections one by one and made agreed upon edits.

Mr. Lesser moved to continue the hearing to October 26<sup>th</sup> at 6:30 PM. Mr. McClintock seconded and it was voted to approve 4-0.

**Discussion #4 Correction of Clerical Error for 18 Wildwood Drive- Request for Determination:**

The Agent explained the clerical error which does not affect the vote or Determination. It was corrected and resigned.

**Approval of Minutes of October 20, 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 4-0.

**Administrator/Agent's Report:**

**93 Goulding Street-** The Agent updated the Commission on the status of the remediation. The property owner stated he should be finished by end of October. The original deadline was October 19<sup>th</sup>. The Commission agreed to wait to see if the property owner would comply by the end of the month.

**93 Maple Street-** The Agent updated the Commission on the status of remediation. The property owner has not begun remediation under the Enforcement Order because of the large amount of rain in the last few weeks and the Commission had requested that work be done until the site was dry.

**152 Maple Street-** The Agent updated the Commission on the status of remediation. The property owners had begun clean up. But no site visit had been completed by the Agent at this time.

No other subjects were discussed under the Agents Report.

**Adjournment:** There being no other business to attend to, Mr. Lesser moved to adjourn at 9:42 P.M., Ms. Tyler seconded and it was voted to approve 4-0.

Respectfully submitted,

Bridget R. Graziano  
Conservation Administrator/Agent

Documents Presented at the October 20, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Partial Certificate of Compliance**

**266 Washington Street**

- As-Built Plan by GLM Engineering Consultants, Inc. dated

**Public Hearings**

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

- Application for General Notice of Intent “Routine Sherborn Community Maintenance & Development Department Operations and Maintenance”, dated October 21, 2010, revised September 8, 2011.

**Discussions**

**Discussion 1- Forest Street O’Brien’s Map 16 Lot 4-R**

- Letter from the O’Brien’s sent via email September 29, 2011
- Order of Conditions DEP 283-0333, issued by the Sherborn Conservation Commission June 30, 2011
- Letter from EcoTec, Inc. “Revised Wetlands and Buffer Zone Restoration Protocol with Planting Options, 193 Forest Street & 210 Farm Road, Sherborn, MA”, dated March 17, 2011

**Discussion 2- Meeting with UPRC, SCC, and SRLT for Forestry Stewardship**

- Phil Benjamin Resume and Forestry Management Plan for the Town of Easton, dated June 6, 2011
- Roger Ploudre Resume and Forestry Management Plan for the Shaw Pond Woodland in Leicester, MA, dated June 2010
- Gary Gouldrup Resume and Forestry Management Plan for City of Haverhill Conservation Department, date n/a

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