

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

October 26, 2011

Sherborn Town Hall

5:30 P.M.

Minutes of the Meeting

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

Guests: none

Mr. Lesser called the meeting to order at 5:36 P.M.

Public Hearings:

Public Hearing #1 –Sherborn Wetlands Regulations Amendments

Mr. Lesser opened the hearing at 5:37 P.M. McClintock explained that he had spoken with the Agent about proposed Sections 10.4-10.6. He stated that the sections are not actually performance standards because performance standards discuss if a project is permitted then certain standards have to be met in order to complete the project. He added that the Section 10.4 would be very limiting for when the Commission is reviewing tree removal projects. Mr. Lesser mentioned that if the Agent would like to propose future amendments of this nature in different sections she may do so.

- 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: Discussed and removed Section 10.4-10.6
- j) Section 11- Relation to Wetlands Protection Act- Discussed and removed

Mr. Lesser moved to approve all new amendments that have not been approved and other that have been approved. Mr. McClintock seconded. Mr. Lesser asked for discussion. Ms. Tyler did not want to vote to approve the amendments until Town Counsel reviewed the entire set of regulations. Mr. Dowse agreed. Mr. Lesser withdrew his motion and then Mr. McClintock withdrew his second. Mr. Lesser moved that all the regulations with proposed changes should be sent to Town Counsel. Mr. Dowse seconded and it was voted to approve 5-0.

If Town Counsel returned with new amendments to the regulations, Ms. Tyler agreed to post a notice to the public of the continued Public Hearing in the Dover Patch and wicker local. Mr. Lesser moved to continue the Hearing to December 1, 2011 at 7:30 pm. Mr. McClintock seconded and it was voted to approve 5-0.

Public Hearing #2 – CM&D GNOI Community Maintenance & Development:

Mr. Lesser opened the hearing at 6:35 PM. Mr. Wagner was not present for the discussion at the time of opening. The Commission discussed the GNOI and went through each activity proposed under the General Notice of Intent. Mr. Lesser updated Mr. Dowse on edits made at the October 20, 2011 meeting with Mr. Wagner's presence. The Commission determined that there are some questions that Mr. Wagner will need to answer before the hearing may be closed.

Mr. Lesser moved to continue the hearing to November 17, 2011 meeting at 8:30pm. Ms. Tyler seconded and it was voted to approve 5-0.

Discussions

Discussion #1- FY13 Budget and Conservation Commission Finance:

Mr. McClintock explained what the options are for funding the Agent's salary for FY 13. It was stated that in previous years the Advisory and Selectmen have asked Mr. Lesser if possible to raise fees to pay for the Agent's salary and if so the Commission should consider raising the fees. Mr. Lesser addressed the Commission asking if the Commission would like to set up a revolving account for filing fees and pay the Agent from that or have the town fund the Agent's salary in full and the filing fees will go directly to the general fund. Mr. Dowse does not agree that the filing fees generated should go into the general fund, partly as a matter of accountability. He would like to set up the revolving account. The Commission discussed options for the Agent's salary and the fees associated with it.

Mr. Lesser explained there is basically no difference for accountability between allowing the bylaw fees to go to general fund or go to revolving acct. it was noted that at this point the Commission must open a hearing, but reserves the right to continue this discussion after the hearing.

At 7:26 PM the discussion of Commission finances and budgeting was continued. The Commission discussed the Conservation Fund. Mr. Lesser stated that each member should state their opinion for the FY 13 Budget and at some point the Commission should vote on what budget to send to the Selectmen and Advisory.

Adjournment: There being no other business to attend to, Mr. Lesser moved to adjourn at 7:36 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 October 26, 2011 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Public Hearings

Public Hearing #1 – Sherborn Wetlands Regulation Amendments

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

Public Hearing #2 – CM&D GNOI Routine Town-Wide 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

FY 13 Budget and Conservation Commission Finances

- Memo from Kelly, Michael, and Steve titled, “ Budget and Town Meeting Issues for Wednesday October 26 meeting”, dated October 25, 2011
- MACC Handbook-Chapter 9 “Funding Land Protection”
- Conservation Trust Fund Transactions
- MACC Newsletter September/October 2009 “Conservation Commissions’ Authority to Collect Fees and Spend Funds” , Volume XXXIX, Number 5
- M.G.L Chapter 40 Section 8c Conservation Commission; establishment; powers and duties
- M.G.L Chapter 44 Section 53E1/2 Revolving Funds
- Bureau of Accounts Information Guideline Release (IGR) No. 98-101 Wetlands Protection Fund
- Bureau of Accounts Information Guideline Release (IGR) No. 03-208 Special Revolving Funds for Hiring Outside Consultants

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