

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

February 2, 2012

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Michael Lesser, Steve Gaskin (Chair), Kelly McClintock, Susan Tyler, Alex Dowse, Bridget Graziano (Administrator/Agent), Camy Rachell Ruck (Minutes Clerk)

Guests: John Hyde, John Finnegan, Andrew Morgens, Richard Littlefield, Carol Rubenstein, Jonathan Hodson-Walker

Mr. Gaskin called the meeting to order at 7:01 P.M.

Mr. Lesser entered at 7:03 P.M.

Requests for Determination of Applicability

23 Mill Street - Proposal to Remove 7 Trees from the Buffer Zone

John Hyde was present as the applicant and property owner. He presented a proposal to remove 7 trees (6 *Pinus strobus* and 1 *Quercus alba*) from the buffer zone to Bordering Vegetated Wetlands (BVW), one within the 0-50' no-alteration zone. Mr. Hyde stated he wants to remove the trees because they threaten the safety of his family, visitors, and property. In addition, a certified arborist has reported that the trees chosen are in danger of falling during a storm due to previous damage. Mr. Hyde indicated the trees will be removed by crane and then processed in the driveway. Additionally, he requested to complete the removal of specific invasive species Burning Bush (*Euonymus alata*) and Barberry (*Berberis vulgaris*). Mr. Gaskin asked what was wrong with the trees. Mr. Hyde indicated they have been neglected by previous owner, and damaged by storm, insects, and disease. The Commission and Mr. Hyde went over the tree removal plan. The Agent indicated all machinery will remain within the driveway. Also, she stated the trees are not dead but have been damaged at some point causing the tree to have a split trunk. Mr. Lesser indicated the applicant has agreed to plant new vegetation within the vicinity

of the white pines which are to be removed and therefore will provide protection of the wetland resource. The Agent recommended a Negative 3 Determination. Mr. Gaskin moved to accept the Agents recommendation of a Negative 3 Determination with the conditions. The Commission discussed the conditions and the proposed mitigation. The Commission stated that it would be best to work with the Agent for all invasive species removal from the buffer zone and during the planting of vegetation within the buffer zone. Ms. Tyler seconded and it was voted to approve 5-0.

28 Hollis Street - Request for an Extension to Order of Conditions

Andrew Morgens, the applicant and property owner of 28 Hollis Street, and John Finnegan of MetroWest Engineering, Inc., were present to request an extension to the Order of Conditions. The Agent indicated she noticed some work has begun on the property, sent letter to Mr. Morgens, who contacted her to set up a site visit. She met with Mr. Morgens, Mr. Finnegan, and Mr. Van Wyde at 28 Hollis Street to review the completed work. She stated that Mr. Morgens at the time of filing, had planned on selling the property with plans to complete an addition to the existing dwelling, demolish portion of the existing garage and rebuild. A condition for working in the Riverfront and Buffer Zone to BVW was to complete mitigation by the way of controlling invasive species and protecting a portion of Riverfront Area. Mr. Morgens is currently working on the invasive species management. He indicated he is doing all the work by hand. The Agent noted her concern that a professional botanist or wetland scientist is not overseeing the project as agreed upon for the Order of Conditions.

The Commission addressed the request for an extension to the Order of Conditions and indicated the request for an extension of Order of Conditions is valid for two more years under Section 173 of Chapter 240 of the Permit Extension Act. Mr. Gaskin acknowledged that the state gives Mr. Morgens the right to extend the Order of Conditions and there is no need for the Commission to vote on it. However, it will be noted in the file and a letter will be sent to Mr. Morgens. Mr. Gaskin asked if Mr. Morgens wished to continue with the mitigation process, since he has not done the addition or garage work. Mr. Morgens stated that he would like to continue since he plans to live in that property. The Agent indicated she will continue to work with Mr. Morgens and Mr. Finnegan to reviewed areas where invasives species will be removed to ensure that Mr. Morgens does not remove native vegetation and that all plants are identified correctly. The Commission concluded by applauding the efforts by Mr. Morgens and Mr. Finnegan to improve the ecological conditions in the area and their diligent work with the Agent.

34 McGregor Drive - Request for Certificate of Compliance

No one was present to represent the applicant. The Agent presented the proposal to request for a Certificate of Compliance. She stated that she visited the site and all approved work was done in compliance with the Order of Conditions. In addition, the erosion line seems stable but will need to be seeded this spring where the silt fencing was trenched. The Agent noted her concern for a particular plant found within the approved landscaped area in the 50'-100' buffer zone, which she identified as *Euonymus fortunei* (but originally concerned it was *Euonymus alata*, an invasive species) which is not on the invasive list. However, the plant is from China and not native to this region. She agreed that since the plant is not on the Prohibited Plant List for

Massachusetts, the applicant does not have to remove it. She recommended granting the Certificate of Compliance. Mr. Gaskin moved to grant the Certificate of Compliance, based on the Agent reviewed recommendation. Ms. Tyler seconded and it was voted to approve 4-0.

25 Prospect Street - Request for Certificate of Compliance

No one was present to represent the applicant. The Agent presented the request for a Certificate of Compliance. She stated the applicants didn't request a Certificate of Compliance after installation of a septic system in October 2002. The Agent completed a site visit and the site was stable and As-Built plans were precise to the approved plans from 2002. The Agent stated during the site visit she noticed a few trees cut down in the buffer zone. She stated that she contacted the applicant to explain. Ms. Neutra explained that the tree came down in the last storm and she was only having the downed trees cut into logs and left in place. The Agent recommended this work be covered under the Emergency Provisions enacted for the October storm, 310 CMR 10.62: Storm Emergency Regulations in the Aftermath of the October Snowstorm - November 2011, which were valid until January 8, 2012. The work was done in December 2011. The Commission agreed. Mr. Gaskin moved to accept the Certificate of Compliance, Mr. McClintock seconded and it was voted to approve 5-0.

Discussion

Discussion #1 – Carol Rubenstein for proposal for redesign for Transfer Station

Carol Rubenstein presented a very preliminary proposal to redesign the transfer station. She stated she does not have a current plan for the location, however, she explained the asphalt surface is in terrible condition and is proposed to be repaved and possibly expanded. In addition, she would like to move the existing structures back toward the wetland resource. Mr. Gaskin asked if they can add a chain fence since there is a lot of trash blowing into the wetlands. Ms. Rubenstein stated she has given a lot of thought to the idea; however, a chain fence is not her preference because trash will collect in the links. Mr. Gaskin indicated his concern with the proposed location being in the 0-50' buffer zone. The Agent said Ms. Rubenstein will need to file an RDA for the proposed project and possibly a Notice of Intent, depending on the final proposed plan. She also asked they begin to clean the wetlands of the trash. Mr. Lesser asked if there is a problem with the condition of the asphalt, now. Ms. Rubenstein indicated that people are tripping because it is uneven and has many potholes. Mr. McClintock asked if there is a timeline for starting and approving the plan. Ms. Rubenstein indicated that July 1st, 2012 depending on the budget. The Commission concluded by stating that they are pleased with the work Ms. Rubenstein has been doing with the recycling committee.

Discussion #2 – Jonathan Hodson-Walker Farm License

Jonathan Hodson-Walker was present to discuss a potential farm license with the Commission for Schoolhouse Lot. Mr. Hodson-Walker indicated they can use the land for organic farming but a lot of upfront work is needed to get the land in production. He stated that in exchange for the use of the land the Commission will get improvement and maintenance of the land. The

Agent said the land in question is approximately 2.1 acres of open field. The Agent asked for how many years would Mr. Hodson-Walker need the license and he stated for three years even though that is not a long duration due to the amount of work that is needed. Mr. McClintock asked Mr. Hodson-Walker if he will get the cost back in three years and he replied "no". Mr. Hodson-Walker stated that the initial work will cost in the thousands. Mr. Dowse indicated that three years may not be enough for a farm putting in a large amount of work. However, he stated that Mr. Hodson-Walker should pay a fee equal to the taxes of the location and this should be paid on an annual basis. Mr. Dowse requested more research from the Agent and that a five to ten year license is preferable. Mr. Lesser indicated that the Commission needs to be clear about this project because they will have to explain to the townspeople the issue of public land use by a private company. He also mentioned the idea of trading services in exchange for the use of the land. Mr. Hodson-Walker could maintain another Commission controlled property in town, such as e.g. Hidden Meadow. Mr. Hodson-Walker thought this would be reasonable. Mr. McClintock indicated that some return in the longer period will be a good exchange. Mr. McClintock asked about a timeline, and Mr. Hodson-Walker said there is no rush but this is a good time of the year to start. Mr. Gaskin highlighted the benefits of this project by indicating the benefits of organic food and Sherborn residents not needing to drive far to obtain those products. The Commission asked to meet again in March to discuss the subject again. The Commission indicated this is a positive idea that will require a long term license. Mr. Lesser stated the Commission needs to do more public relations with the town and see what the public thinks about the idea. He also asked Mr. Hodson-Walker to consider a longer term arrangement that might profitable for the farm as well as being able to offer the town more compensation (whether payment or services). The Commission ended by saying that additional research will be done and they look forward to seeing this project to fruition.

Discussion #3 – Forestry Stewardship Planning

The Agent stated she began to work with Phil Benjamin and that she has drafted two maps of the two parcels for Mr. Benjamin. Mr. Gaskin asked if Mr. Benjamin knows when the public outreach would begin. Mr. McClintock indicated that Mr. Benjamin has agreed to one walk within his contract and that a public forum would be a separate cost. Mr. McClintock also stated the public outreach should follow the template sent by Mike Downy of DCR and needs to be approved for the grant. The Commission asked the Agent to provide the Conservation Land Management Goal summary for the land management meeting. Mr. Lesser stated the area is very diverse, and consequently, public opinion might vary in general as well as by parcel.

Discussion #4 – New Members

The Commission and the Agent indicated they will place an advertisement for a new member of the Conservation Commission, since Will Willis has resigned. The ad will be placed in newspaper, online, and at Town Hall. Richard Littlefield was present due to his interest in possibly filling the vacant seat. Mr. Littlefield indicated he has previously spoken with Mr. Lesser and the Agent. The Commission explained Commission operations, including meeting times and site visits. They discussed land use and the role the Commission has to maintain it. Additionally, the Commission explained its plans for the future particularly the management of

land. The Commission concluded by thanking Mr. Littlefield for his interest in possibly serving the Town of Sherborn.

Approval of Minutes of January 19th & 26th, 2012:

Mr. Lesser moved to approve the minutes of January 19th, as amended at the meeting. Mr. McClintock seconded and it was voted to approve 5-0.

Mr. Gaskin moved to approve the minutes of January 26th, as amended at the meeting. Mr. McClintock seconded and it was voted to approve 5-0.

Administrator/Agent Report

- **Land Management:** No further discussion was needed.
- **190 Maple Street:** The Agent noted that the Army Corps of Engineers contacted the Conservation Office to inquire about 190 Maple Street work on the property.
- **March 1 Meeting (reschedule):** The meeting was moved to February 29th due to a conflict with Town Caucus night
- **Barber Reservation Burn Piles:** The Agent noted that the Barber Reservation has brush piles from vegetation removed from the Grange Fair that need to be burned. Ms. Tyler had brought this to her attention. Ms. Tyler mentioned asking the Boy Scouts to see if they will be willing to burn the piles and that she asked the Fire Department to be present during the burn to make sure the fire it out and they agreed.

Ms. Tyler left at 8:55 PM.

- **Stormwater Update:** The Agent reported she is working on mapping the Town's stormwater system and supplying data to AECOM. This will hopefully reduce the town's cost to complete the stormwater monitoring.
- **MACC Annual Conference:** The Agent encouraged the Commission to attend this conference for better understanding of commission issues/functionality/role

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 9:01 P.M. Mr. McClintock seconded, and it was voted to approve 4-0.

Respectfully submitted,

C. Rachell Ruck
Minutes Clerk

Documents Presented at the February 2, 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability:

23 Mill Street - Proposal to remove 7 trees from the Buffer Zone

- Letter from John and Margaret Hyde to the Town of Sherborn Conservation Commission, dated February 1, 2012
- Letter from Christian Bugbee of Maltby & Co., to the Conservation Commission, dated January 30, 2012
- Tree Removal Plan

28 Hollis Street - Request for an Extension to Order of Conditions

- Letter from Andrew Morgens to Town of Sherborn Conservation Commission, dated January 5, 2011
- Letter from the Conservation Commission to James Morgens and Andrew Morgens,
- Letter from the Conservation Commission to Andrew Morgens, dated December 29, 2011
- Letter from Corey Van Wyhe of Metrowest Engineering, Inc., dated December 15, 2008
- WPA Form 5 – Order of Conditions File Number 283-317, dated October 2, 2008
- Order of Conditions – Part II, dated January 23, 2009

Discussion

Discussion #2 – Jonathan Hodson-Walker Farm License

- “8.4 Agriculture” from the Environmental Handbook for Massachusetts Conservation Commissioners, pages 130 – 133

Discussion #4 – New Members

- Richard B. Littlefield, P.E. resume
- Julia B. Jacobson, resume

