

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

April 5, 2012

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

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

Guests: Russ Waldon, George Pucci, Peter Caruso, Joseph Fiorentio, Jessica Pettit, Nancy Stover, Carol Anderson, Marie Kelfer, Michael Kelfer, Peter Bochnak, Jonathan Hodson-Walker, Eliot Taylor

Mr. Gaskin called the meeting to order at 6:58 P.M.

Public Comment:

George Pucci introduced Peter Caruso a candidate running for the open Selectmen seat. He and Mr. Caruso were there to observe the Commission and its operations. Mr. Pucci also explained to the Commission about the recent vote to appoint Julia Jacobson to the Conservation Commission.

Requests for Determination of Applicability

247 Washington Street-Proposal to perform soil testing and installation of septic system

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing and install new septic system for a new lot. She explained that there are two large wetland resources present on the property and on adjacent parcels. However, all locations proposed for testing have been designated outside the Commission's jurisdiction. She recommended a Negative Determination but would require the submittal of the proposed septic system plan prior to the installation of the system. The plan would depict the system and show the limit of work to be outside the Commission's jurisdiction in order to proceed under this Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded

and it was voted to approve 6-0. The Commission asked that the Agent email Mark Oram and let him know about the wetland resources present on the property.

58 Farm Street- Proposal to perform soil testing and installation of septic system

Ms. Anderson (the applicant) and Ms. Stover were present. The Agent presented the applicant's proposal to perform soil testing and install a replacement septic system. She reported that the project would not take place within the jurisdiction of the Commission and therefore, recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 6-0.

319 Western Ave- Proposal to replace existing distribution box

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace the existing distribution box. The Agent reported that the adjacent parcel owned by the Sherborn Rural Land Foundation has portions of the field that qualify as a wet meadow and there was a small drainage ditch in the field adjacent to the property that did not meet the qualifications of a jurisdictional wetland resource. Moreover, all wetland resources were over 100' from the limit of work. Therefore, she recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 6-0.

33 Hunting Lane-Proposal to construct two additions to the existing dwelling

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct two additions to the existing dwelling. She reported that no wetland resources were found in the vicinity of the project. Therefore, the Agent recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Tyler seconded and it was voted to approve 6-0.

71 South Main St-Proposal to construct a deck on the existing dwelling, old deck to be removed, install new bluestone patio, and replace the retaining wall

Mr. Fiorentio was present to as the applicant for Ms. Ahola, property owner of 71 South Main St. The Agent presented Mr. Fiorentio's proposal to reconstruct the deck, install a new bluestone patio, and reconstruct a retaining wall. She reported that the project would take place within the jurisdiction of the Commission, as a Bordering Vegetated Wetlands is 50' from the limit of work. Sewell Brook is also present on the parcel, however, it is over 200' from the limit of work. She noted that all work would take place within existing lawn, known as altered buffer zone. She recommended Negative 3 Determination with special conditions. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 6-0.

Discussions

Pre-Discussion candidate for the open Selectmen seat- Peter Caruso (not on agenda)

The Commission presented the duties of the Conservation Commission to Peter Caruso so he may have a better understanding of the Commission's functionals. Mr. Dowse discussed the Commission's new project for the development of a Forestry Stewardship Plan. Mr. Gaskin explained that the Commission does not only focus on permitting, but has other duties to perform, e.g., care for its open space (land management), enforcement of state and local laws, assisting with the town's implementation of stormwater compliance, public assistance, etc.

Discussion #1 – Jessica Pettit Candidate for Minute Clerk Position

Ms. Pettit was present as a candidate for the Commission Minutes Clerk position. The Commission asked Ms. Pettit questions about her availability and interests in the position. She answered that she would be available any nights that the Planning Board did not meet as she is working for them as the Minutes Clerk. In addition, she explained that she is interested in local government. The Commission thanked her for her interest and asked her to provide a list of references. The Agent stated that once her references are called the Commission will make a decision and contact her.

Discussion (Mr. Dowse requested to discuss the Agent's salary payment is not on agenda)

Mr. Dowse stated that he felt the Commission should be voting as to what funds are expended out of the wetlands filing fee fund. He noted that the Commission does not vote to pay the Agent's salary out this fund. Mr. Dowse motioned to expend fees in wetlands filing funds for the Agent's Salary and the Minutes Clerk for the remainder of the fiscal year. Mr. Gaskin seconded and it was voted to approve 5-1. Alex was opposed to using the funds for the Agent Salary from this fund. Mr. Lesser mentioned he did not think this was collegial because Mr. Dowse made the motion and it was how the Agent has been paid historically. He went on to explain the Commission has proposed to change this process for the next fiscal year, so the Agent's salary would come from the omnibus budget instead of filing fees. Mr. Gaskin asked if Mr. Dowse had another suggestion as to how the Agent should be paid for the remainder of the fiscal year. The Agent noted that there would be no other way to pay her salary, unless there was a request for a reserve fund transfer. Mr. Dowse responded that he did not.

Public Hearings**Public Hearing #1 – Request for Amendment to Order of Condition (DEP # 283-0288)
Farm Pond Stormwater Improvements**

Mr. Gaskin opened the hearing at 8:00 PM. The Agent reported that she met with Ed Wagner, who is the CM& D Director, and Jeanne Guthrie at Farm Pond to discuss construction procedures for the proposed path improvements. Mr. Wagner relayed some concerns about the construction of the path. It was decided that all parties involved would meet with the engineers from Norfolk Ram in order to clarify all questions before the presenting to the Commission. Therefore, John McAllister on behalf of the town requested a continuance to the next Commission meeting of April 19th. Mr. Lesser explained that it would be useful to have a set of options to approve so that subsequent public review and comments (e.g. at a BOS meeting) would have more flexibility in selecting a plan without needing a reexamination by the Commission. Mr. Dowse stated he would like them to rescind the application until such a time as they are ready to present to the Commission. Mr. Gaskin moved to continue the hearing to April 19th at 8:45 PM. Mr. McClintock seconded and it was voted to approve 6-0.

Public Hearing #2 – Notice of Intent for 46 South Main Street Proposal to construct a ice skating rink

Ms. Stiller opened the hearing at 8:45 PM. Mr. Waldon was present to represent the applicant, Mr. Arnone. He presented the proposed project for the construction of an ice skating rink to the Commission. He reviewed the outstanding issues with the proposed plan under the Sherborn Board of Health Regulations in that the proposed structure is too close to the pump chamber per Title 5 requirements and is proposed to be constructed for over the existing septic system piping. It was noted that the Commission should not approve a plan which the BOH would possibly not approve. This would require the applicant to bounce between boards for approval, which is unfair.

Peter Bochnak of 29 Ivy Lane stated that he is concerned about drainage of the site with the construction of the new rink. He stated it may influence the amount of water on his property. The Commission noted that the Agent did not review this area because it is not where the applicant proposes to place the structure nor was it determined to be an area with a wetland resource.

Mr. Lesser asked how the roof run-off would be dealt with on the new structure. Mr. Waldon responded that most likely an infiltration basin would be put to allow the roof run-off to infiltrate into the ground.

Michael Kelfer of 21 Ivy Lane explained to the Commission the background of the lot prior to its development. He noted that if the project was approved there should be some care taken to inform the contractor to think about the other residents.

The Agent reported that William Poulin of 36 South Main Street had sent a letter to the Commission. This letter has been forwarded to Mr. Waldon so he can address the abutters' concerns. Mr. Waldon agreed to review and address these at the next meeting.

Mr. Waldon explained the rink and the use of the BioGreen as the coolant to cool the water to ice. The Agent noted that the Commission needs more information on the structure of the rink in order to make an informed decision. Mr. Lesser asked where the chiller will be located. Mr. Waldon responded it would be located outside the Commission's jurisdiction and that it would be depicted on the new plans. Mr. Lesser stated his concern that BioGreen would not be the only chemical used, that another would be used in the chiller. Mr. Waldon agreed to find the answer to this question.

The Agent read the letter from Mr. & Mrs. Schwartz of 44 South Main Street and gave a copy to Mr. Waldon. Then, Mr. Kelfer said that he is concerned about the location of the building. Mr. Waldon explained the decision between the locations of the building. Mr. Gaskin stated this cannot be part of the Commission's decision as it needs to be based on the effects to the wetland resources and the interests of the Act and our Bylaws.

Mr. Gaskin moved to continue at 8:00 PM on April 19th. Mr. Tyler seconded and it was voted 6-0.

Continuation of Discussions

Discussion #2 – Schoolhouse Lot License/Lease Agreement with Jonathan Hodson - Walker of Silverwood Farm

The Agent explained Town Counsel's opinion on license vs. lease agreement. Mr. Hodson-Walker explained that he may be able to use the land for some crop this year while the Commission works on a lease agreement, so entering into a license agreement for one year would not be a risk to him. This would also give him the ability to get the land ready for crops for the next year. Mr. Dowse explained that the improvements done this year may not help if during the lease agreement process he is outbid and the Commission chooses a different farmer for the lot.

Ms. Tyler thought that the Agent should notify any abutters that the land will be on license to a farmer for one year. It was also suggested this item could be brought up at the Forestry Stewardship public forum. Mr. Lesser, Ms. Tyler, Mr. McClintock, and Mr. Dowse agreed to work on the license agreement and future lease agreement with the Agent.

Discussion #3 - 101 Woodland Street Memorandum of Agreement

The Commission and Agent reviewed the Memorandum of Agreement (MOU) made amendments for a final draft. Mr. Dowse maintained that the Conservation Commission has no jurisdiction over the application of pesticides. A majority of the Commission disagreed. Mr. Gaskin moved to approve the MOU with the property owners of 101 Woodland Street as amended. Mr. McClintock seconded and it was voted to approve 6-0.

Approval of Minutes of March 15th, 2012:

Mr. McClintock moved to approve the minutes of March 15th, as amended at the meeting. Mr. Dowse seconded and it was voted to approve 5-0-1.

Administrator/Agent Report

17 Page Farm Road/33 Old Orchard Road Update

- The Agent updated the Commission on both properties. The Commission suggested that the Agent contact Mr. Sorter to discuss letters sent to the Commission. Also, that she draft a response letter to Mr. Sorter and all letters to be sent to the Commission prior to sending to Mr. Sorter.

Ms. Tyler left the meeting at 9:46PM.

FY13 Budget Update

- Mr. Lesser reviewed the proposed FY 13 Budget which was approved by the Advisory Committee

Vernal Pool Bylaw Update

- Mr. Lesser discussed the amendments proposed under the bylaw that were housekeeping but stated that the addition of vernal pools and their habitats need more education and more outreach before the town could make an informed decision to add to the Bylaw. The Commission should have had more meeting time with the Advisory

- Committee. He suggested delaying all changes until the next Town Meeting when all changes could have more broader review.
- Mr. Caruso explained that Town Counsel may have been asked by the Board of Selectmen to help with the bylaw amendment proposal at Town Meeting. The Commission requested that the Agent speak with Jim Purcell to ask if this is a topic the Selectmen have discussed. Mr. McClintock agreed that he would like to see more education on the Vernal Pool and its Habitat but that he agrees the Commission should still propose to put forward all amendments instead of separating them over the years.

Forestry Stewardship Power Point Update

- The Agent stated that she and Mr. Higley of the Planning Board have been working on it and she would send out a copy of it this week.

Open Space Plan Grant Opportunity

- The Agent stated she had been sent a letter about grant funding for the development of a new Open Space Plan. She asked the Commission if she should apply. Mr. Gaskin asked if this is something the Open Space Committee would be willing to do. Mr. Lesser who is on the Open Space Committee said that he would see what the Committee would do.

Sassamon Trace Golf Course Scope of Work Progress

- The Agent asked who was willing to work on the new Scope of Work presented to the Commission. Mr. Lesser and Ms. Stiller agreed to review it. The Agent will send the new version edited by Natick's Agent.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 10:12 P.M. Mr. McClintock seconded, and it was voted to approve 5-0.

Respectfully submitted,

Bridget R. Graziano
Sherborn Conservation Administrator/Agent

Documents Presented at the April 5, 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability:

247 Washington Street

- Plan titled, “Application for Soil Testing and Evaluation” stamped received by Conservation Commission on March 26, 2012

Discussion 1

- Resume of Jessica Pettit

Discussion 2

- Environmental Handbook for Massachusetts Conservation Commissioners Section 8.4.2 Leases and License with Farmers pages 133-132

Discussion 3

- Memorandum of Understanding for 101 Woodland Street

Public Hearings

Public Hearing 1

- Order of Conditions (DEP 283-288) issued June 17, 2006
- “Happy Trails: Erosion Control and Effective Drainage”. Shepard, Kathy. 2006. Geosynthetics. Pg 26 – 29.

Public Hearing 2

- Notice of Intent 46 South Main Street, dated March 21, 2012 by Applicant Ecological Sciences
- Plan titled, “46 South Main Street, Sherborn, Massachusetts” by Paul Robinson, dated September 30, 2011, revised October 6 & 25, 2012, and March 10, 2012