

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

June 7, 2012

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Michael Lesser (acting Chair), Kelly McClintock, Alex Dowse, Julia Jacobson (arrived at 7:35 PM), Andrea Stiller, Bridget Graziano (Administrator/Agent), Susan Tyler

Guests: Grace Shepard, Martin Maria, Theodore Wong, Jo Anne Wong, Joseph Maquedant

Mr. Lesser called the meeting to order at 7:05 P.M.

Determinations

129 Maple Street-Request for Certificate of Compliance

Theodore and Jo Ann Wong were present as the property owners/applicants of 129 Maple Street. The Agent presented their Request for a Certificate of Compliance (C of C) for an open expired Order of Conditions (OOC). The applicants need to obtain the C of C in order to move ahead with another project for which an RDA was filed (see below). The Agent reported that the project had been approved by the Commission in 2002 and the Order has since expired. She reviewed the conditions in the Order and noted that only one condition (condition #29) was not met. The condition required the Wong's to only mow the wild meadow in the buffer zone twice annually. At this time, they were mowing large areas for walking around the pond and which are in the buffer zone on a monthly basis whereas the other meadow areas are being mowed twice annually as required. In order for the Wong's to comply with this condition they would need to stop mowing the large walking areas monthly and reduce the mowing to twice annually. It was noted they could maintain a 4' walkway to the pond. They agreed to follow the remaining Condition #29. The Agent stated that it was the Commission's decision as to whether or not to issue the Certificate of Compliance before seeing that the condition is met in order to then hear the RDA. She suggested the Commission could accept the Applicant's agreement to mow the wild meadow as in the OOC and issue the Certificate, and then add this condition requirement to their new project. Given the relatively minor nature of the issue, this approach would enable the Applicants to possibly move forward on their new project while still maintaining written

enforcement of the unresolved condition. The applicants agreed with this approach. Mr. Lesser moved to grant the Certificate of Compliance. Mr. McClintock seconded and it was voted to grant compliance 5-0.

129 Maple Street-Proposal to remove and reconstruct a retaining wall

Theodore and Jo Ann Wong were present as the property owners/applicants. The Agent presented the applicant's proposal to demolish the existing retaining wall and reconstruct with new foundation for better stability. There will be some minor grading around the wall and new native vegetation will be planted to replace what is lost. The Agent stated that work will take place in outer buffer zone, on the existing wall footprint, with the use of erosion controls; she would recommend a Negative 3 Determination with special conditions including one related to the OOC. Mr. Lesser moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 5-0.

79 Western Ave-Proposal to perform soil testing and installation of septic system

Mr. Joseph Marquedant was present as the applicant's representative. The Agent presented the applicant's proposal to perform soil testing for installation of new septic system. She asked Mr. Marquedant about the testing locations because one location was in the 0-50' no-alteration zone. She stated that the applicant would most likely have to file a Notice of Intent for the installation of the septic system. She would recommend a Negative 3 Determination for soil testing only with special conditions due to the fact the testing would take place within altered buffer zone known as lawn. Mr. Lesser moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 5-0.

9 Western Ave – Proposal to demolish the existing dwelling and reconstruct new single family dwelling

Mr. Martin Maria was present as the applicant/property owner. The Agent presented the applicant's proposal to demolish existing single family and replace with new single family home in existing footprint. It was noted that the wetland resource was 93' from the limit of work and the project would require erosion controls to protect during demolition and construction. She recommended a Negative 3 Determination with special conditions due to the fact the project would take place within altered buffer zone known as lawn and within the existing footprint of the dwelling. Mr. Lesser moved to accept the Agent's recommendation. Ms. Tyler seconded and it was voted to approve 6-0.

Discussions

Discussion #1 – Forestry Stewardship Planning, Next Steps

The Agent presented the timeline for finishing up the Forestry Stewardship Plan (FSP) payments, outreach plan submittals, and touched on possible next steps. Mr. Lesser asked if Town Forest had applied for the FSP grant. The Agent stated she sent information to Dave Killeen information via email. Mr. Lesser suggested calling Peg Robinson, who is also on Town Forest, about filing for a FSP grant. Ms. Tyler stated that the Town Forest Committee is going to have a meeting soon and the grant issue could be then discussed.

Ms. Jacobson arrived 7:35 PM.

Mr. McClintock reviewed how the Commission could move forward with a FSP-recommended demonstration of selective cutting/forest management project at Barber Reservation covering the FSP lots 21-23 of about 15-20 acres. The goal would be to improve the long-term health and biodiversity of the forest to learn about the revenues and costs of such work. It was noted that Phil Benjamin estimate of his hourly rate may be \$100 - \$150 per acre to oversee all phases of a cutting on behalf of a town. Mr. Benjamin had also indicated that the demonstration project may cover or be designed to cover its cost. Mr. Dowse stated he believed that breaking the project down into phases for the public and the Commission to participate and review what was to be done prior to the cutting would be very beneficial to the overall resident approval of this project. For example, if a forester could mark the trees, then we could hold a walk to show the public what trees are to be cut and the reasoning; this would be educational and could help gain support.

The Commission discussed the funding for this project and if it would be possible to cover costs. It was noted that any revenue would go into the General Fund. The Agent asked if there was a cost to the project, how would it be paid for. The members suggested from the Conservation Trust Fund, as had been discussed in the past.

The Commission also mentioned adding an educational component by using the kiosk to present information to the public. The Agent noted the Barber kiosk is not able to hold information, as it needs a new door. Ms. Jacobson thought she could offer some help.

Mr. Lesser asked about the access for forestry equipment and if the power lines could be used to reduce the cost, since other routes could be more difficult. The Agent was asked to discuss this with Mr. Benjamin. Mr. Dowse moved for the Commission to begin taking steps to hire Mr. Benjamin for the demonstration thinning at Barber Reservation as the lots are marked on the Forestry Stewardship Plan, #21-23. Mr. McClintock seconded and it was voted to approve 6-0.

Mr. McClintock brought up the topic of encroachment of vegetation around the stone walls onto Barber Reservation fields. The Agent stated she would get clearing quotes. Ms. Shepard asked if the Commission needed to follow procurement laws for bids for these services. The Agent stated she thought that any service under \$5,000 needs to use best business practices, \$5,000-\$25,000 was three written bids, and over \$25,000 needs bids with RFP (Request for Proposal). Ms. Jacobson looked up procurement laws and confirmed the Agent's statement. The Agent agreed to get prices and from this then complete the needed requirements under the procurement laws.

The Commission discussed how to address the overall issue of a plan for land management and what would be our high priorities, such as control of invasive species. Hidden Meadow management was briefly discussed and Mr. Lesser mentioned the field needed to be mowed in the Fall, as discussed by Agent.

Discussion #2 – 27 Farm Road Ratify EO

The Commission amended two lines on the Enforcement Order, striking a line from Form 5 Section C. and adding the word line "or equivalent" to the attachment called Part II, bulletpoint 3. Mr. Lesser moved to ratify the Enforcement Order as amended at meeting. Mr. McClintock seconded and it was voted to approve 6-0.

Discussion #3 – 36 Farm Road Ratify EO

The Agent presented the enforcement order and what the specific violation that was taking place at the property. The Commission reviewed the Agent's documentation of the violation. Ms. Tyler asked where the Agent was when taking the pictures of the violation. The Agent stated she took the photographs from the property of 34 Farm Road when reviewing erosion control line for an Order of Conditions. The Commission discussed the language in the Order.

The Commission reviewed the Enforcement Order and though some language should be amended. Ms. Jacobson is re-writing language in the Order for better clarity. It was noted that the property owners would be attending the meeting of June 21st.

The discussion was continued until the end of the meeting.

Discussion #4 – General Chemical Groundwater Contamination Letter from BOS

Ms. Stiller presented her understanding of the data concerning the well testing completed in Sherborn due to contamination in Framingham from General Chemical. She stated that the data she was provided was limited and not sufficient to know whether the Sherborn Wetlands could have been affected, however the results of Sherborn residential well testing (from deeper in the aquifer) are below levels that would present a risk to wetlands. The purpose of the testing recently released was to address any potential health concerns for Sherborn residents. In addition, she noted that it should be considered that contaminants could be flowing along the aqueduct or brook to wetlands in Sherborn and recommended that testing of the shallow groundwater and surface water be conducted if it has not already.

The Commission asked the Agent to draft and send letter to Board of Selectmen requesting that Norfolk Ram consider impacts to wetlands via groundwater flow or surface water or preferential pathway flow along the aqueduct or other potential migration pathways. The Agent agreed to draft a letter to the Board of Selectmen and Ms. Stiller will review it before it is sent out.

Discussion #5 – 93 Goulding Street Invasive Species Plan

The Agent presented the invasive species plan by LEC Environmental for the control of Glossy Buckthorn. The Agent agreed the plan was sufficient however, she requested that the applicant submit a plan with the areas to be managed for Glossy Buckthorn. The Commission agreed that if the plan was sufficient then the Agent could approve the plan.

Discussion #6 - 44 Ivy Lane Mitigation (Native) Planting Plan

The Agent presented the plan for native planting for mitigation for the Determination of Applicability (for an addition in the buffer zone) and a second plan for complying with the Order of Conditions, condition #30. The Commission agreed that the Agent move forward with the plan for mitigation for the Determination of Applicability as approved by the Agent with some minor changes to the vegetation. The Commission requested that the Agent meet with the property owner to stake out the locations for planting and the mitigation offered. Once this was staked out, the planting for the RDA could begin. Additional information about the mitigation

area for the Order of Conditions compliance would need to be reviewed by the Commission before the applicant could move forward with implementation of the planting plan.

Approval of Minutes of May 17th, 2012:

Mr. Lesser moved to approve the minutes of May 17th, as amended at the meeting. Ms. Jacobson seconded and it was voted to approve 6-0.

External Hard Drive- Ms. Tyler asked that she asked the Agent to check to see how other departments backed up their files. The Agent stated she has asked other departments and Kevin Whittmen, IT about backing up our files. The Commission discussed if it was necessary to purchase an external hard drive. The Commission did not vote or come to an agreement on the matter, so it was dropped for FY 12 budget purchase.

Microsoft Access - Mr. Lesser asked if members had considered if our department should purchase Microsoft Access. The Commission discussed and noted that Planning Board and CM&D all have the Access program. Mr. Lesser stated that Ed Wagner, CM&D Director has been using it for tracking work and permits. His database created on Access could be sent to the Commission and used to track permits and help coordination between our departments. In addition, the Commission would be able to use databases for various Commission records, such as conservation restrictions. It was also noted that a Summer intern/volunteer could work on such efforts. Mr. Lesser moved to purchase to the Microsoft Access to purchase. Ms. Jacobson seconded it was voted to approve 4-2-0.

Administrator/Agent Report

- **License and Lease Agreements-** Ms. Jacobson, Mr. McClintock, and Mr. Dowse would set up a conference call with the Agent to discuss license agreement with Silverwood Farm. The Agent agreed to set up the conference via email. Mr. Lesser asked that the Commission notify the public that the Commission may enter into an agreement for the use of Schoolhouse Lot for Organic Farming.
- **Bylaw and Regulation Amendments-** The Agent asked the Commission if this discussion should be added to the June 21st Agenda or to a special meeting.
- **July 5th Meeting-** The July 5th meeting would be rescheduled for July 12th 5:30 PM for the review of only RDA's. The Agent will email the members to remind and send out Agenda.
- **Volunteer Noah Fitch for the Commission** – The Agent stated she had a college student submit a resume to do volunteer work for the Commission. She explained that he could do filing, baseline documentation of conservation lands and restrictions, trail maintenance, etc. Mr. Lesser asked the other members to email her with possible volunteer tasks.
- **Central Massachusetts Mosquito Control Requesting to do work on Town land -** The Commission discussed a letter from Massachusetts Mosquito Control (MCC) asking the Commission's permission to access our land to clear vegetation around a wetland resource to reduce mosquito breeding. Mr. Dowse moved to allow mosquito control to do work on conservation land. Ms. Tyler seconded. The Commission opened to discussion. Mr. Lesser asked what mosquito control will specifically be doing. The Agent stated she would contact Katrina Proctor, Wetlands Coordinator. Mr. Dowse thought the

Agent was already asked to do this. The Agent noted she was asked to take pictures of the site to present to the Commission (which were presented at this meeting) and call the residents who would also be giving permission to do work on their property (she spoke with a few of the neighbors). Mr. Lesser asked that Mr. Dowse withdraw the motion in order for the Commission to gather more information. It was discussed that the MCC may not need Commission approval for its work on behalf of public health. The Commission discussed conditioning the approval to enter the property for public health reasons only.

The following conditions are to be added to the permission to enter: (1) grant temporary permission only, extending for only 12 months from the date granted, (2) Agent may observe activities at anytime, (3) must give advanced notice of when work will begin by contacting the Commission prior to commencement of work, and (4) the permission is subject to rescission if Massachusetts Mosquito Control does meet Commission's standards, and (5) MMC will not dredge, will not exceed scope of work, and will complete work using hand tools only.

Mr. Dowse amended motion to include conditions, it was voted to approve 6-0.

- **Sherborn Conservation Award to Dover/Sherborn High School Student-** Ms. Tyler noted that she was at the Sherborn Board of Health Meeting and was asked about the Sherborn Conservation Commission giving a Conservation Award to a Sherborn student at Dover/Sherborn High School. She asked why she was not aware of it and why this was not discussed. The Agent noted she knew this has been discussed at the BOH meeting, because they were interested in giving a Health Award. Mr. Lesser noted that the Commission was given very little time to respond to the High School about the Commission giving an award again this year and there was no meeting within this time period. Since, it is excellent for student involvement and good promotion for environmental education, Mr. Lesser and the Agent agreed to do the same award as last year. The award was a book on Organic Gardening. However, he noted that the Agent spoke with people in charge of the awards and asked that we be informed at least one month prior so members can have a say in the award. The Environmental Science Teacher usually picks the student and then relays the reasoning to the Commission. Ms. Tyler is concerned the Commission cannot use our budget for this type of expenditure of \$20 for a Conservation Award. The Commission asked the Agent to speak with Town Administrator (TA) to see if this purchase is allowable under a budget. Mr. Lesser stated that if the Commission did not want to grant this award, then he would not ask the Agent to spend her or the TA's time talking about the small award. The Commission agreed to continue with the award and for the Agent to follow up with the TA about any issues related to a Conservation Award.

Discussion #3 - 36 Farm Road (Continued from earlier in the evening)

Mr. Lesser read the amended language of the Enforcement Order document aloud to the members. Mr. Lesser moved to ratify the EO as amended. Mr. McClintock seconded and it was noted to approve 6-0.

Adjournment: There being no other business to attend to, Mr. Lesser moved to adjourn at 9:28 P.M., Mr. Stiller seconded and it was voted to approve 6-0.

Respectfully submitted,

Bridget R. Graziano
Sherborn Conservation Administrator/Agent

Documents Presented at the June 7, 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Discussions

Discussion 1

- Final Version of Sherborn Conservation Commission “Stewardship Outreach Plan for Barber and Hidden Meadow”

Discussion 2

- Cover Letter for Enforcement Order, dated June 5, 2012 to Xavier Piedra of 27 Farm Road
- Enforcement Order issued to Xavier Piedra of 27 Farm Road, issued June 5, 2012
- Attachment to Enforcement Order to Xavier Piedra of 27 Farm Road issued June 5, 2012

Discussion 3

- Cover Letter for Enforcement Order, dated May 30, 2012 to Barry O’Donvoan & Catherine Wiseman of 36 Farm Road
- Enforcement Order issued to Barry O’Donvoan & Catherine Wiseman of 36 Farm Road issued on May 30, 2012
- Attachment to Enforcement Order to Barry O’Donvoan & Catherine Wiseman of 36 Farm Road issued May 30, 2012

Discussion 4

- Letter from Norfolk Ram to Jim Purcell, Interim Town Administrator, dated May 22, 2012, titled “ Professional Engineering Services General Chemical Groundwater Contamination, NRG Proposal 05-12-88
- Email titled, “ Plot of Sherborn Private Wells Testing April & May 2012”
- Map with plotted testing locations, titled “Plot of Sherborn Private Wells Testing April & May 2012”

Discussion 5

- Letter from LEC Environmental to the Sherborn Conservation Commission, dated June 4, 2012, titled “ Invasive Species Control Plan, 93 Goulding Street West”
- Order of Conditions DEP#283-0338 page 4
- Plan titled, “Restoration & Mitigation Planting Plan” by LEC Environmental, dated January 10, 2012

Discussion 6

- Letter from Mary Beth Freidham of 44 Ivy Lane, dated June 1, 2012
- Friedham/Tanaka Landscape Plan, dated June 1, 2012
- Meeting Minutes of the Sherborn Conservation Commission, dated November 17, 2011, page 4, Discussion of 44 Ivy Lane, Expired Order of Conditions
- Attachment to the Enforcement Order issued December 6, 2011 to Mr. Tanaka and Ms. Freidham

- Plan of 44 Ivy Land for Septic System with hand drawing for Determination of Applicability

Agent Report

- Letter from Massachusetts Mosquito Control Project dated April 27, 2012 from Katrina Proctor with associated Maps of proposed work areas, Maps 9 & 13

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