

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

July 12, 2012

Sherborn Town Hall

5:30 P.M.

Minutes of the Meeting

**Members Present:** Michael Lesser (acting Chair), Alex Dowse, Julia Jacobson, Andrea Stiller, Bridget Graziano (Administrator/Agent),

**Guests:** Joyce Hastings, John Matlack

Mr. Lesser called the meeting to order at 5:47 P.M.

## **Public Hearings**

### **Public Hearing #1 – 37 Ash Lane Notice of Intent (Continued from 6/21/12)**

Mr. Lesser opened the continued public hearing at 5:47 PM. Joyce Hastings of GLM Engineering Consultants was present to represent the applicant, Britton Sanders. She opened by explaining this hearing is a continued public hearing to wait for the response from Natural Heritage Program and she presented the letter that stated the proposed project will not adversely affect protected species. Mr. Lesser asked whether the members remembered the last hearing and had more/other questions, comments, and input. The Agent noted that the Stormwater Management Bylaw applies to this project and that she had contacted Ms. Hastings to explain that she may need to file with the Planning Board. Ms. Hastings stated that she had done so and met with the Planning Board on Wednesday, and the proposal was found to qualify for review under the Bylaw. The Commission discussed the requirements of the Planning Board for permitting under the Stormwater Bylaw. The Agent noted that she will add another condition that the applicant shall complete any conditions cited by the Planning Board to comply with the Stormwater Bylaw during and post-construction. Mr. Lesser moved to close the hearing since no other information was to be submitted and the Commission is satisfied with the presentation. Ms. Stiller seconded and it was voted to approve 4-0.

Mr. Lesser asked if the Commission would like to add specific conditions to the Order. The Agent recited her special conditions for the Order; Ms. Hastings commented on the conditions and they were subsequently finalized at the meeting.

Mr. Lesser stated that the Commission hereby finds that the project will not adversely affect the wetlands and offers a number of benefits including, a net decrease in impervious surface is a benefit to the buffer zone/wetland resource. Additionally, a majority of the alterations in the 50' – 100' buffer zone will improve the outer buffer zone, because the removal of the existing single family dwelling allows for improvement of stormwater retention, increased pollution prevention, and better erosion control. Further, the removal of manure piles from the slope in the buffer zone shall allow for the re-vegetation of the slope (thereby increasing the natural buffer zone) with reduced nutrient loading and improvement to groundwater quality. The Commission further found that the applicant had presented evidence sufficient to demonstrate that the proposed activity for regrading, tree removal, and construction of pole barn with set conditions will not cause alteration to the Bordering Vegetated Wetland during or post-construction. The applicant has offered sufficient mitigation for this work and that all landscaped areas within the 0-50' No-Alteration Zone shall no longer be managed and shall be allowed to revert to natural buffer zone. Mr. Lesser moved to approve the proposed project with special conditions as stated by the Agent. Ms. Jacobson seconded and it was voted to approve 4-0.

## **Determinations**

### **4 Butler Street - Proposal to construct an addition to the existing dwelling as a sun porch with no foundation**

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct an addition on top of an existing stone patio with new helical footings required for the new addition. She explained that during her site visit, she did not locate any wetland resources within 300' of the limit of work for the proposed project. Therefore, she recommended a Negative Determination be issued. Mr. Lesser moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

### **66 South Main 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 installation of replacement septic system. She stated that she found a wetland resource located across South Main Street and that the limit of work was over 200' from the wetland. Therefore, she recommended the Commission issue a Negative Determination for soil testing and installation of replacement septic system with the stipulation that the applicant submit a final septic system design plan to ensure the system will be installed outside our jurisdiction. Mr. Dowse moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 4-0.

### **136 South Main Street - Proposal to perform soil testing**

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing. She stated that she found wetland resource from the north portion of the parcel extending west to the south end of the parcel. The testing locations were found to be outside the Commission's jurisdiction; however, due to the close proximity of the house to the wetland, the Agent found that the system may be designed in the buffer zone. Until the system is designed, she cannot make a proper determination on whether the system installation will be

outside the Commission's jurisdiction. Therefore, she recommended a Negative Determination for soil testing only. Mr. Lesser moved to approve the Agent's recommendation. Ms. Jacobson seconded and it was voted to approve 4-0.

### **122 Farm Road - Proposal to construct a shed on Farm Pond**

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a shed along Farm Pond. She noted that, per the applicant's request and recent submittal of 21-day waiver (on July 5, 2012), he has requested a continuance until he can present the proposal at the July 19<sup>th</sup> meeting at 7:00PM. The Commission agreed that with the applicant's request it will be continued to the July 19<sup>th</sup> meeting.

### **27 Farm Road Enforcement Order (not on Agenda but Agent requested discussion as unforeseen)**

The Agent asked the Commission to discuss a request made by Mr. Piedra and his consultant on July 11, 2012 for the Commission to extend the deadline from July 17<sup>th</sup> to July 31<sup>st</sup> (as noted in the issued Enforcement Order for 27 Farm Road) for Mr. Piedra to file a Notice of Intent for alterations to a wetland resource and installation of fencing. The Agent stated that she felt it was important that the Commission vote on this immediately before the deadline expired to given Mr. Piedra's "good faith" to comply with the Enforcement Order. The Commission agreed it was an item the Chair could not reasonably anticipate to add to the Agenda but should be voted on. Additionally, she noted that the extension should be allowed until August 2<sup>nd</sup>, as the deadline to file a Notice of Intent for the August 16<sup>th</sup> meeting is August 2<sup>nd</sup>. Mr. Dowse moved to extend the deadline for submittal of Notice of Intent for Mr. Piedra from July 17<sup>th</sup> to August 2<sup>nd</sup>. Ms. Lesser seconded and it was voted to approve 4-0.

### **Administrator/Agent Report**

- **Forestry Stewardship and Conservation Land Maintenance Update-** The Agent presented Phil Benjamin's proposal regarding a cost estimate for overseeing a possible demonstration forest management project at the Barber Reservation. The Commission asked the Agent to find out why the estimate was a range. The Agent was also requested to ask Mr. Downy, DCR Forester, about the average cost for a forester to mark and oversee forestry work. Mr. Dowse stated conservative cutting in an isolated location at Barber may be beneficial in the public eye. The Commission will provide education on the overall benefits of the cut. The Commission discussed the cost, the net benefit, and where the money would go if profit was made. There was a concern that the Commission does not currently have enough money in our budget to take care of the lands it controls now. Using any profit from the project for covering additional land maintenance costs was discussed. In addition, it was noted that the Commission must meet with the Board of Selectmen to discuss this forestry proposal, net benefit to the town, and this would also help with public outreach as the BOS meetings are aired on cable. Currently, the Commission is drafting a posting for the paper to notify the public. All members agreed this would be very important to outreach and possible public support. The Commission noted that under Mr. Benjamin's proposal the revenue could be about \$4-5,000 (which would go into the General Fund) compared to Commission costs for Mr. Benjamin's services of about \$2,750 on the high end. Using the

Conservation Trust Fund to pay for Mr. Benjamin's services was discussed. Mr. Lesser noted that such Fund use would fit under the memo sent to the Selectmen on how the Commission would use the funds in the Trust for calendar year 2013. The Agent stated that the Commission could request a revolving fund for land maintenance if the Commission thought it would be taking in money from forestry operations on an annual basis. This could then be used for land maintenance. The Commission determined that this item would be discussed at the July 19<sup>th</sup> meeting and the members would review the note for the paper and then decide on a date to present to the Selectmen. The Agent was asked to send the memo regarding the Conservation Land Trust originally sent to the BOS last Fiscal Year to Ms. Jacobson. The Agent read Mr. McClintock's email about separating the forestry project demonstration and agriculture land lease/license items in the public notices and presentations to Selectmen. The Agent was asked to condense the public notice on licensing conservation land and send to Ms. Jacobson for review and comments.

- **Agent Vacation** – The Agent stated she will be taking a personal day on July 18<sup>th</sup>.

**Adjournment:** There being no other business to attend to, Mr. Lesser moved to adjourn at 6:52 P.M., Mr. Dowse seconded and it was voted to approve 4-0.

Respectfully submitted,

Bridget R. Graziano  
Sherborn Conservation Administrator/Agent

Documents Presented at the July 12 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Public Hearing**

**Public Hearing #1 – 37 Ash Lane Notice of Intent**

- Plan titled, “Proposed Site Plan 37 Ash Lane Sherborn Massachusetts” by GLM Engineering Consultants, Inc. dated May 17, 2012 and revised June 12, 2012 and June 22, 2012.

**Agent Report**

- Letter from Phil Benjamin to Bridget Graziano, dated July 10, 2012