

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

August 2, 2012

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin (chair), Michael Lesser, Andrea Stiller, Kelly McClintock, Bridget Graziano (Administrator/Agent),

Guests: Paul Saulnier, Brian Butler (Oxbow Associates)

Mr. Gaskin called the meeting to order at 7:04 P.M.

Determinations

165 Forest Street- Proposal to construct new addition to the existing dwelling

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a new addition. She noted that the project would not result in an increase in impervious surface, however, it would require several new footings to be dug within the 90'-100' buffer zone of the Bordering Vegetated Wetlands for Farm Pond. She recommended the Commission issue a Negative 3 Determination with special conditions for work in the buffer zone. Mr. Gaskin moved to accept the Agent's recommendation with conditions. Mr. Lesser seconded and it was voted to approve 4-0.

Request for Certificate of Compliance

17 Cider Hill Rd- 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 that the DEP # 283-158 had been granted a Certificate of Compliance for the proposed project, under 15 Cider Hill Road. Since the project was originally approved for the properties of 15 & 17 Cider Hill Road, a Certificate of Compliance should have been issued to both, if issued to one property, since overall compliance must be met in order for the Commission to grant a Certificate of Compliance for a project. Therefore, she recommended the Commission grant the Certificate of Compliance based on the one that was issued to 15 Cider

Hill Road. Mr. Gaskin moved to grant the Certificate of Compliance based on the issuance of the certificate to 15 Cider Hill Road. Mr. McClintock seconded and it was voted to approve 4-0.

Public Hearings

Public Hearing #1 – 36 Ash Lane Notice of Intent Proposal for Installation of Septic System

Mr. Gaskin opened the hearing at 7:32 PM. Brian Butler of Oxbow Associates presented the proposed project to the Commission with the assistance of Paul Saulnier. Much of the work will take place in already altered 50-100' buffer zone. They noted that the alternative site outside of the buffer was not technically feasible. The Agent noted her concerns regarding the piles of organic debris in the wetland resource, much of which had been removed. The wetland flags that the Agent had asked to be moved on the plan to match the field conditions had been moved. The vegetation that was marked on the plan for removal but was not noted in the Notice of Intent as well as the erosion control line were discussed. Mr. Lesser noted that native shrubs could be placed along areas where organic debris had been piled in order to restrict any future placement of these materials in the wetland. Mr. Butler agreed with this suggestion and the Agent stated she would add this condition to the Order. The Agent brought up her concern for the lot lines and that neither the Assessor nor the Planning Department had any record of the lot lines used on the plan. It was discussed that in this case the lot line issues would not affect the project review. The Commission discussed the erosion control and allowing the use of straw wattles and no silt fencing. The Agent urged the Commission to reconsider. The Commission noted that there are standard conditions regarding erosion controls and should the Agent and/or Commission find that the erosion controls are not functioning properly, they may require a change in the erosion control at any time during the project. Given the Agent's ability to change the type of erosion controls needed at any time, the Commission agreed to try straw wattles and no silt fence at first given the short duration of the work, how the work is to be performed, and a number of specific site conditions. Mr. Gaskin moved to close the hearing. Mr. McClintock seconded and it was voted to approve 4-0.

The Commission discussed the special conditions regarding the erosion control and restricting access for dumping to the wetland resource. Mr. Gaskin moved that the Commission find that all work within the already altered 50'-100' buffer zone will be temporary in nature and will have no effect on the bordering vegetated wetland. The applicant has agreed to special conditions set forth at this hearing that will protect the interests of the Act and the Sherborn Wetlands Bylaw during/post-construction. The applicant has provided sufficient evidence to demonstrate that the proposed construction of septic system will not alter the wetlands resource during or post-construction and all areas of temporary alteration will be restored to their pre-construction condition. Mr. McClintock seconded and it was voted to approve 4-0.

Discussions

Discussion #1 – Vote to recommend reappointment to BOS

Mr. Gaskin suggested not voting on reappointment recommendation due to the lack of members present at the meeting. He noted that two of the members that are up for reappointment are not present and have the right to vote. The Commission agreed to discuss at the next meeting.

Discussion #2 – Lease/License Agreement Conservation Land Public Notification

The Agent reported that she had scheduled a discussion with the Board of Selectmen on August 23rd, but it was not unclear if any commissioners could attend. The Commission asked her to see if she could move the meeting to August 30th when several commissioners were able to attend.

Discussion #3- Forestry Management , Barber Reservation and Volunteer Stewardship

The Agent reported on her meeting with Phil Benjamin on his cost proposal for the Forestry work at Barber Reservation. The Commission asked her to contact Michael Downy to find out the reasonable cost for foresters to oversee Forestry projects. The Commission discussed the pros/cons for the forestry work and the cost. The Agent noted she would mark out adjacent wetlands. The commission asked for a 100' buffer zone for cutting, but under Chapter 132A trees may be flagged for removal up to the 50' buffer zone. The Commission agreed to mention a discussion with the Commission at the Board of Selectmen Meeting on August 30th, to promote public discussion.

Approval of Meeting Minutes of June 21, 2012

Mr. McClintock moved to approve the minutes of June 21, 2012, as amended. Mr. Lesser seconded and it was voted to approve 4-0.

Approval of Meeting Minutes of July 19, 2012

Mr. McClintock moved to approve the minutes of July 19, 2012, as amended. Mr. Lesser seconded and it was voted to approve 4-0.

Administrator/Agent Report

- **Massachusetts Mosquito Control Letter- The Agent** updated the Chair on the Commission vote to approve work of mosquito control on Conservation Lands with special conditions. He signed the approval document based on the vote of June 7, 2012.
- **Signing of Amended Enforcement Order of 36 Farm Road-** Mr. Gaskin moved to the sign the amended enforcement order and issue. Ms. Stiller seconded and it was voted to approve 4-0.
- **Mass DOT Chapter 90 work-** The agent discussed the recent work requested for approval by the Commission and the Agent. All was covered under the General Order of Conditions for town-wide routine maintenance.
- **Possible Violation along Aqueduct on private property, anonymous letter-** The Commission read letter and advised the Agent to follow up.

- **Scheduled meeting with BOS August 23rd** - The Commission asked the Agent to reschedule the meeting with the BOS to August 30th.
- **Minutes Clerk Hire** -Mr. Gaskin moved to hire Jessica Pettit based on her qualifications and approval of the 20b exemption related to Conflict of Interest by the Selectmen. Mr. Lesser seconded and it was voted to approve 4-0.

Adjournment: There being no other business to attend to, Mr. Gaskin moved to adjourn at 8:36 P.M., Mr. McClintock 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 – 36Ash Lane Notice of Intent

- Notice of Intent titled "Septic System Replacement with Buffer Zone to Bordering Vegetated Wetland, 36 Ash Lane, Sherborn Massachusetts" by Oxbow Associates dated July 19, 2012
- Plan titled, "Septic System Replacement, 36 Ash Lane, Sherborn" by CIVILized Solutions, dated May 23, 2012

Discussions

Discussion # 3 - Forestry at Barber Reservation and Volunteer Stewardship

- Agent Notes on cost proposal from Phil Benjamin
- Forestry Stewardship Plan for Town of Sherborn, Conservation Commission Barber Reservation, pages 19-21 of 40
- Letter from Bob Freedman, titled "Comments on Barber Reservation Forestry Management Plan", received by Sherborn Conservation Commission on July 23, 2012

Administrator/Agent Report

- Amended Enforcement Order issued to 36 Farm Road, Barry O'Donovan and Catherine Wiseman on August 2, 2012 with attachments
- Anonymous Letter titled "Wetland Alteration?", dated July 24, 2012

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