

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

August 15, 2012

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members Present:** Steve Gaskin (Chair), Michael Lesser, Susan Tyler, Alex Dowse, Julia Jacobson (arrived at 8:05pm), Kelly McClintock (departed at 9:21pm), and Bridget Graziano (Administrator/Agent),

**Guests:** Nancy Falb (180 Lake Street), Mikayl Deycham, Karon Skinner Catrone, Andy and Michelle Lauterback, George Fiske

Mr. Gaskin called the meeting to order at 7:03PM.

## **Determinations**

### **180 Lake Street -Request for Certificate of Compliance**

Nancy Falb, the current property owner was in attendance. The Agent presented the Order of Conditions from 1991, she noted that the property now includes an in-ground pool which is partially in the buffer zone. She reported the pool was not on the approved plan under the Order of Conditions and had only been permitted by Board of Health and the Building Department but not reviewed by the Conservation Commission. Ms. Falb reported that she recently purchased the house with the understanding that the Certificate of Compliance had been issued until the Agent met with her to review the property. The Agent explained that the request for a Certificate of Compliance should have been filed after the project was completed 20 years ago, but the former owner never did so. The Commission considered two possibilities to resolve the situation: (i) issue an enforcement order requiring mitigation and hold the certificate of compliance until such a time that that applicant can provide sufficient mitigation for the unpermitted pool, or (ii) simply for administrative ease for both the property owner and the Commission issue the certificate of compliance with an agreement to provide the mitigation. The property owner was

willing to provide mitigation of some plantings in the buffer zone and leaving currently undisturbed areas in the buffer zone that are by the pool. Mr. Gaskin moved to grant the Certificate of Compliance with the requirement that buffer areas surrounding the pool are to be left undisturbed and that native plants be planted in the landscaped areas of the outer buffer zone (50' -100'). Mr. Lesser seconded the motion and it was voted to approve 5-0.

#### **68 Hollis Street - Proposal to construct new deck**

No one was present to represent the applicant. The Agent presented the proposal to construct a new deck. She stated that wetland resources were located during the site visit but the proposed project was outside the Commission jurisdiction. Therefore, the Agent recommended a Negative Determination be issued for the Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 5-0.

#### **11 Morse Road- Proposal to construct an addition and new deck**

No one was present to represent the applicant. The Agent presented the proposal to construct an addition and a new deck. The Agent reported that there are no wetlands located during the site visit. Therefore, she recommended a Negative Determination be issued for this project. Mr. Gaskin moved to accept the Agent's determination. Mr. Lesser seconded and it was voted to approve 5-0.

#### **18 Dopping Brook Road - Proposal to perform soil testing and installation of septic system**

No one was present to represent the applicant. The Agent presented the proposal to perform soil testing and installation of a septic system. She stated that a wetland resource (Bordering Vegetated Wetland) was located approximately 150' from the proposed project. Therefore, the Agent recommended a Negative Determination be issued for this project. Mr. Gaskin moved to accept the Agent's determination. Ms. Tyler seconded and it was voted to approve 5-0.

#### **158 Woodland Street- Proposal to construct/reconfigure deck and sunroof, with new retaining wall**

No one was present to represent the applicant. The Agent presented the proposal to construct deck and sunroof. She stated that wetland resources, known as Vernal Pool and Bordering Vegetated Wetland, were located during the site visit over 200' from the proposed project. Therefore, the Agent recommended a Negative Determination be issued for this project. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 5-0.

#### **Map 3 Lot 78 (parcel owned by 12 Ames Drive) - Proposal to construct indoor riding arena with new entrance**

No one was present to represent the applicant. The Agent presented the proposal to construct an indoor riding arena. She reported that access to the project site has been proposed from a

temporary entrance on Western Avenue, and this is the only possible entrance to the site that is not through the Commission jurisdiction. The Agent recommended a Negative Determination contingent upon approval by the Highway Department to use Western Avenue as temporary access route for the project. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 5-0.

### **12 Ames Drive- Proposal to perform soil testing and installation of new septic system**

No one was present to represent the applicant. The Agent presented the proposal to perform soil testing and installation of new septic system. The Agent recommended approving the soil testing only due to the close proximity of a Bordering Vegetated Wetland (approximately 150') and the lack of information on the design of the system adjacent to the house (closer to the wetland). The Agent could not make a proper determination based on the information submitted due to the unknown location of piping to the house. Therefore, she recommended a Negative Determination for soil testing only. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 5-0.

### **Public Hearings**

#### **Public Hearing #1 - Notice of Intent 185 Woodland Street**

Mr. Gaskin opened the hearing at 7:29 PM.

Karen Skinner Catrone, wetlands scientist, and Mikayl Deycham working for the owner presented the proposed plan for construction of new single family dwelling. The Commission reviewed the construction sequence plan which included the installation of a drywell, removal of approximately 15-18 trees, and an invasive species control plan. Ms. Catrone noted that she has filed a report with the Natural Heritage Program under the Massachusetts Endangered Species Act and they are waiting for a response. The Agent reminded the Commission that the hearing cannot be closed without a response letter from Natural Heritage Program. Mr. Gaskin asked if the house itself could be moved outside the buffer zone and would still meet zoning setbacks. Mr. Deycham stated this is not possible due to the location of the septic systems, location of private wells, and other constraints of the lot. The Commission requested a calculation of the area of buffer zone that would be converted to lawn, that the proposed plantings need to be located in the buffer zone to be considered mitigation (as the plan depicts some outside the buffer zone), all proposed plantings should be included on the plan, and the invasive species control areas be added to the plan. Mr. Gaskin moved to continue the hearing to September 6<sup>th</sup> at 8:15PM. Mr. Dowse seconded and it was voted to approve 5-0.

Ms. Jacobson arrived at 8:05 PM.

### **Discussions**

#### **Discussion #1 Sherborn Rail Trail and Aqueduct Trail visit with MWRA**

The Town acquired a 1/4 mile of CSX line to be made into a Rail Trail off Whitney Street. The Agent reported the town was awarded the grant to purchase this trail in 2010 and there is money left over that could be used for the design of the trail and drafting of the proposed plans for construction. She continued to report that due to the abandonment of the CSX line 20 years ago, excess sediment and water has accrued on the trail, along with the growth of vegetation making the trail difficult for hiking in some portions. The Agent stated she met with John Higley and a representative from Massachusetts Mosquito Control to review the site and determine if they could clean out the old railroad ditches along the trail. In addition, she would like to see if volunteers could be used to remove the vegetation along the trail before Mass. Mosquito Control cleans the railroad ditches. The Agent stated that Natural Heritage Program will conduct a review of the Vernal Pool (which is present along the trail) in February or March.

The Agent reported that the Massachusetts Water Resource Authority (MWRA) has been working with towns to file permits to have the aqueduct line become a recreational trail. She noted that MWRA has been conducting research as to what portions they own or what portions have an easement, as areas with easements need the property owner's permission to allow the public to use the aqueduct line for a trail. Mr. Dowse noted that he believes MWRA will ask the towns to take over the maintenance of the aqueduct line for the use as a trail. The Agent will look into who will be responsible for the maintenance.

### **Discussion #2 - Conservation Land for Use as Agriculture, Forestry Stewardship, and the Barber Reservation Barn Restoration**

George Fiske reported that he met with the Commission two years ago to discuss the restoration of the Barber Reservation barn. It may be the oldest structure that the town owns and it was the first piece of land acquired specifically for conservation. It needs restoration, which could be funded from the net proceeds from the Grange Fair and the Sherborn Fund. The Commission agreed to support Mr. Fiske's efforts to restore the barn. However, it was noted the Commission does not have the budget to contribute to funding this project, but would assist in any way they could. The Commission applauded Mr. Fiske for his efforts.

The Agent asked Mr. Fiske to speak about the new findings of a Conservation Restriction on the Humphreys Property and how this could affect the new Forestry Stewardship plan recently drafted. Mr. Fiske reported that Mike Humphrey sent a copy of the Conservation Restriction for the property to all parties involved. The Commission should review and note they hold the Restriction and it should be reviewed to determine if forestry practices may take place on the 80 acre parcel. The Agent reported her recent conversation with Michael Downy of Department of Conservation Recreation (DCR) about the cost of foresters to tag and oversee a demonstration of forest management. The Commission asked that she research what other towns have paid for forestry services such as forest management. Additionally, the Sherborn Business Association is offering a grant for town wide activities that are beneficial to the community. She asked the Commission if she could apply for the grant to fund the outreach component of the forestry work. The Commission agreed that she should move forward with applying.

**Discussion #3 - Vote on recommendation for reappointments of members to the BOS and discuss possible associate members**

Possible candidates for service on the Commission were present, Andrew Lauterback and Michelle Lauterback. Mr. Lauterback stated that he is interested in becoming a full member. Mr. McClintock, Mr. Dowse, and Ms. Tyler are up for reappointment. Each stated they would like to be reappointed. Mr. Gaskin moved to recommend to the Selectmen for reappointment, Mr. Dowse, Mr. Lauterback, and Mr. McClintock for 3-year terms on the Conservation Commission. Mr. Lesser seconded and it was voted 3-3 and the motion failed. Mr. McClintock moved to recommend the three incumbents and Mr. Lauterback for an Associate Member position. Mr. Dowse seconded and it was voted 3-3 and the motion failed.

**Discussion #4 - Ratify Emergency Certification for removal of Beaver Dam at 38 Bullard Street**

The Agent reported that the Board of Health was asked to issue an emergency 10-day permit to trap the beavers at 38 Bullard Street, due to the flooding of a private road and stone bridge. The property owner, Edward Bliss has not requested an emergency certification from the Commission to remove the dam, the Sherborn Board of Health will subsequently issue a permit after the Commission grants permission. The Agent issued a two week Emergency Certification under CMR 10.06 (6) due to a threat to agricultural fields. The Agent requested the Commission ratify the emergency permit. Mr. Dowse moved to ratify the Emergency Certification. Mr. Lesser seconded and it was voted to approve 6-0.

**Approval of Minutes of August 2, 2012:**

Mr. Lesser moved to accept the minutes as amended. Mr. Gaskin seconded the motion and it was voted to approve 4-0 -2 and Ms. Jacobson and Ms Tyler abstained because they were not present at the meeting.

**Administrator/Agent Report**

- **Meeting with BOS on August 30, 2012** -The meeting with the Board of Selectmen was changed to 6:45pm on 8/30/12.It will be posted as a meeting.
- **Anonymous complaint of wetlands violation along aqueduct** -There was an anonymous complaint received of a wetlands violation along the aqueduct. The Agent walked the line and didn't see a violation; however, the rope/chain gate to aqueduct had been cut so the area will be monitored.
- **150 N. Main Street Complaint** -There was a complaint that the owners of the property at 150 North Main Street were cutting trees in wetlands. The Agent discovered that there was no violation. The owners were only cutting trees that had already fallen.

- **Update on Land Management Meeting** -There was an update on the Land Management Meeting. Mr. McClintock was asked to chair the Land Management Task Force.
- **Conservation Land Maintenance Plan and the FY 14 Budget for Conservation Trust Fund (not on agenda)** -Mr. Lesser would like to plan a discussion about the Conservation Trust Fund and its use for land management in FY 14. Mr. Dowse suggested meeting with the Land Management Task Force to discuss this item. The Commission decided it was best to have the Agent schedule a joint special meeting with her, Mr. Dowse, Mr. McClintock, and Mr. Lesser to discuss.

The 9/6 meeting has been changed to 9/13 because 9/6 is a Primaries Voting Day and the Commission will not have a room to meet in.

Mr. McClintock left the meeting at 9:21 PM.

Mr. Gaskin moved to reopen the hearing for 180 Lake Street. Mr. Lesser seconded and it was voted to approve 5-0. Mr. Gaskin moved to change the date of hearing and the 9/6 meeting to 9/13. Mr. Dowse seconded and it was voted to approve 5-0.

**Adjournment:** There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 9:23 P.M. Mr. Dowse seconded and it was voted to approve 5-0.

Respectfully submitted,

Jessica Pettit  
Minutes Clerk

Documents Presented at the August 15, 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

**Public Hearings****Public Hearing #1**

- Notice of Intent-185 Woodland Street by Karen Skinner Catrone
- Proposed site plan titled, "Proposed Plan Map 8 Lot 40B-2B, 185 Woodland Street, Sherborn, MA 01770"
- Agent Site Visit Notes on the proposed plan and NOI
- Japanese Barberry Fact Sheet by Plant Conservation Alliance's Alien Plant Working Group, 20 May 2005
- Glossy Buckthorn, Invasive Plant Fact Sheet by Invasive Plant Species Assessment Working Group, October 2006
- Glyphosate Pro 4 Material Safety Data Sheet by ProKoz
- Glyphosate Technical Fact Sheet by National Pesticide Information Center

**Discussions****Discussion 1**

- Arc GIS 10 2003 Aerial Map of Whitney Street CSX line (Rail Trail)
- Arc GIS 10 1983 Topographic Map of Aqueduct
- MWRA Aqueduct Access Map

**Discussion 2**

- Letter from Michael Humphrey to Steve Gaskin, dated August 9, 2012
- Letter from Joseph P. J. Vrabel to Michael Humphrey, "Sale of Sherborn Property to Sherborn Rural Land Foundation/Conservation Restriction" , dated May 30, 1997
- Letter to Sherborn Rural Land Foundation from Mike Humphrey, "The Two Forest Management Plan", no date.
- Conservation Restriction, November 18, 1997

**Discussion 3**

- Letter of Interest and Resume of Andrew Lauterback

**Discussion 4**

- WPA Emergency Certification Form for 38 Bullard Street

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