

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 20, 2012
Sherborn Town Hall
7:00 P.M.

Minutes of the Meeting

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

Absent Members: Steve Gaskin (Chair) and Julia Jacobson

Guests: Dan Wells (Goddard Consulting), Xavier Piedra, Mikhail Deychman, Elizabeth and Robert Johnson

Mr. Lesser called the meeting to order at 7:00 p.m.

Determinations

62 Ivy Lane – Proposal to replace the existing distribution box

No one was present to represent the applicant. The Agent presented the applicant's proposal and reported she tested the soils in locations adjacent to the proposed work and found no hydric soils, therefore, she recommended a Negative Determination. Mr. Dowse moved to accept the Agent's recommendation. Mr. Lesser seconded the motion and it was voted to approve 5-0.

20 Russett Hill Road – Proposal to replace the existing distribution box

No one was present to represent the applicant. The Agent presented the applicant's proposal and reported the limit of work does not extend into the Commission's jurisdiction, as there is a small wetland at the bottom of the driveway over 100 feet from the limit of work. It was noted that the project falls within Estimated Rare Species Habitat and the applicant will be notified. The Agent recommended a Negative Determination based on her site visit. Mr. Dowse moved to accept the Agent's recommendation. Mr. Lesser seconded the motion and it was voted to approve 5-0.

Public Hearings -

Public Hearing #1 - 27 Farm Road NOI after-the-fact proposal to install fencing

Mr. Lesser opened the hearing at 7:30 p.m.

All Certified Main and Return Receipt cards were returned with the exception of 26 Farm Road. Receipt of mailing was received, so the Commission granted approval to allow the hearing to proceed as this met requirements of abutter notification.

Mr. Wells of Goddard Consulting presented the proposal (after-the-fact) to install fencing within a Bordering Vegetated Wetland, its associated buffer zone, and the Riverfront Area. In addition, he requested the removal of the Enforcement Order. The Agent reported that the fence is a permanent alteration of the wetland and requires appropriate mitigation as noted under 310 CMR 10.55 (4) (1), that the Commission needs to address wildlife movement with regard to the fence as it is one interest of the Act and our Bylaw, and that the Riverfront Act needs to be addressed even though the Commission waived the fee.

The Commission reviewed the plans and discussed the Agent's comments. Mr. Lesser inquired about mitigation for the disturbed resource area and about removal of a portion of the bottom of the fencing to allow wildlife movement. The applicant agreed to modify portions of the fencing according to the location of the fencing in the wetland. The applicant also agreed to restoring current altered wetlands as replacement for wetlands altered by the fencing.

Mr. Wells addressed the Riverfront Area presumption on 310 CMR 10.58 (3) by stating that the activities within the Riverfront Area does not affect any interests of the Act, as his client has now offered to removed portions of the fencing to allow for wildlife movement to protect existing wildlife habitat, the only interest that was affected by the placement of the fencing.

Mr. Lesser moved to close the hearing at 8:05 p.m. Mr. McClintock seconded the motion and it voted to approve 5-0.

Mr. Lesser stated that the Commission finds that the fencing placement altered the wetland resource by approximately 200 square feet and impedes the movement of wildlife. However, it was found that the project does not adversely affect the wetlands and can be permitted because the applicant has offered sufficient mitigation by (i) removing some of the fencing to allow movement of wildlife within the wetland resource and (ii) by allowing sufficient existing altered wetlands that are now lawn to return to natural Bordering Vegetated Wetland. Additionally, the Commission finds that the standards of the Riverfront Act will be sufficiently met by the removal of portions of fencing for movement of wildlife within the wetland and its associated buffer zone. Mr. Lesser moved to accept the findings. Mr. McClintock seconded the motion and it was voted to arppovet 5-0.

Public Hearing #2 – 185 Woodland Street

Mr. Lesser opened the hearing at 8:06 p.m.

This hearing was a continuation from the meetings on 8/15/12 & 9/13/2012. Mr. Deychman, applicant's representative, provided a letter from Natural Heritage Program to the Agent. She noted that the letter stated there would be "no take" of rare, threatened, or endangered species for

this proposed project. He presented a new proposal with calculations corrected from the last plan. The new proposal included installation of mitigation plantings along the slope of driveway, five additional trees, reduction of lawn, and a 2,700 sq ft mitigation area to remain as natural buffer zone post-construction and improved by invasive species removal. The Commission noted that the plan reflected approximately 3,600square feet of outer buffer zone will be lost, mostly for lawn and some for part of the house and driveway. Overall, the mitigation proposed is about 780 sqft of existing lawn in the outer buffer zone being left to return to natural buffer, management of exotic invasive species in two areas that will be improved natural buffer zone: one of about 2,700 sqft and a second of approximately 1, 350 sq ft of area along the driveway to be planted with native vegetation. The Agent reviewed proposed plantings with the Commission and commented that some of the proposed plantings were mostly groundcover and should be shrubs to provide for increased protection of wetland resources. The Commission asked the applicant to provide changes to the planting list. Mr. Deychman proposed to make additions to the plans, for the addition of conservation/wildlife mix within mitigation areas, 5 *Acer rubrum* (red maples) would be added to demarcate the limit of lawn in buffer zone, and native plantings shall be amended to native shrubs.

The Agent asked about the placement of new well. Mr. Deychman stated it will be outside the Commission's jurisdiction. Mr. Lesser asked the Agent to add a condition requiring a catchment area for tailings, if entering the Commission's jurisdiction.

Mr. Lesser moved to close the hearing at 8:40 p.m. Mr. Dowse seconded the motion and it was voted to approve 5-0.

Mr. Lesser stated that the Commission finds that all work will be in 50-100 foot buffer zone, most of this area covered by exotic invasives. There will be no net negative impact on the wetlands as the applicant has provided sufficient mitigation by improving significant buffer areas. The applicant accepted the conditions set forth in the hearing. Mr. Lesser moved to accept the findings and approve the proposal. Mr. McClintock seconded the motion and it was voted to approve 5-0.

Discussions

Discussion #1 - Agent Maternity Leave/Hire of Temporary Agent

The Agent reported her maternity leave options. She can simply take ten weeks of accrued time or claim leave under the Family Medical Leave Act (FMLA) and take her accrued time. She noted that the Board of Selectmen can authorize part time work during leave taken under FMLA and that she plans to request this option. Mr. Dowse suggested that, if part time work is approved by the Board of Selectmen, the Agent should coordinate it with the Chair of the Commission.

Mr. Lesser moved that the Commission support the Agent's decision, whichever she chooses. Mr. McClintock seconded the motion. Ms. Stiller supported the motion. Mr. Dowse and Ms. Tyler opposed the motion stating that the matter should be left to the Board of Selectmen. The motion was approved 3-2.

The Commission discussed the hiring of a temporary Agent to fill in during the Agent's maternity leave. The Commission discussed hiring a temporary Agent and if this would be as a technical consultant or temporary employee. The Agent recommended Joyce Hastings, who has been used in the past.

Discussion #2 – Use of Conservation Land for Agriculture/Outcome of meeting with BOS on August 30, 2012 & Use of Schoolhouse Lot for parking in exchange of maintenance

The Agent reported that Schoolhouse Lot will be kept open and mowed by an arrangement with the abutting neighbor, who has agreed to pay for the mowing 1-2 times per year for a number of years.

In addition, the Agent stated that she had been asked by Jonathan Hodson-Walker if the Commission would grant approval to use the Schoolhouse Lot for parking during farm events in exchange for maintenance of the parcel. The Agent thought this would go against our town land regulations for "no motorized vehicles on town lands". Commission members decided that regular, even if sporadic, use for private event parking is not appropriate.

It was discussed that consideration of agricultural use of some open space should continue with inputs/discussion with town residents.

Discussion #3 – Forestry Demonstration on Barber Reservation

The Agent approached several other towns about the cost to implement portions of their forest stewardship plans in order to compare these costs with the estimate she obtained. It was noted that as of this time, she had not received any responses. Mr. McClintock moved to hire Phil Benjamin to complete the proposed forestry work at Barber Reservation. Ms. Tyler seconded the motion and it was voted to approve 5-0.

Discussion #4 – Aqueduct Trail Application to MWRA

The Agent reported that Massachusetts Water Resource Authority will continue to maintain the aqueduct line even if our town agrees to apply for trail access along the top of the aqueduct. It was noted there is a \$100 fee to apply for the trail access. The Agent is working with the Planning Board on this matter.

Administrator/Agent Report:

- **Farm Pond Cart Path Project –**

The Agent reported that the original stone dust to be added to the trail for pedestrians has been changed to small trap-rock that will be added to the path this week, vegetation still needs to be added to edge of wetland, and a vegetated swale needs to be established. . She noted that she had some concern for new rock because in a rain event it may migrate

into Farm Pond. The Agent stated she was told that the maintenance of the path will be provided for the next three years, and this would include the clean-up of path.

- **Mowing and Maintenance of Conservation Land -**

Mr. McClintock reported on his conversation with Laurie Woodward, who mows a portion of Hopestill Reservation. It was noted that she has put a lot of money and work into the land in order to have a good crop of hay. The Commission commended and supported Laurie's efforts, but wished she had informed the Commission prior to beginning field work on the land. The main concern was public access. It was asked that Kelly and the Agent ask that a trail is kept open around the field for the public. Also, the Commission discussed this as being an opportunity to draft a land management agreement with Laurie Woodward. All members agreed.

The Agent reported she is scheduling a mow of Barber Reservation by Matt Mayo, which is overdue and a mow of Hidden Meadow by Brutus Cantoreggi, made possible by a generous donation. Ms. Tyler suggested implementing a more frequent mowing schedule to tend to the parking lot area that is overgrown.

Adjournment:

There being no other business to attend to, Mr. Lesser moved to adjourn the meeting at 9:48 p.m. Ms. Tyler seconded the motion and it was moved to pass 5-0.

Next meeting will be on Thursday, October 4th.

Respectfully submitted,

Jessica Pettit
Minutes Clerk

Documents Presented at the September 20, 2012 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Public Hearings

Public Hearing #1 - 27 Farm Road Notice of Intent after-the-fact proposal to install fencing

- Enforcement Order, Notice of Intent 27 Farm Road, Sherborn, MA dated July 30, 2012
- Plan titled, "Existing Site Conditions" by Dover Land Surveying, Inc., dated June 26, 2012
- Agent Site Visit Notes on the proposed plan and NOI

Public Hearing #2 - 185 Woodland Street NOI Proposal to construct a single family dwelling with associated amenities (cont 8/15/12 & 9/13/12)

- 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", dated July 15, 2012, revised 8/14/12 & 8/29/12
- 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
- Letter from Thomas French, Assistant Director for Division of Fisheries and Wildlife, Natural Heritage Program, dated August 6, 2012

Discussion #1 - Agent Maternity Leave/Hire of Temporary Agent

- Personnel Administration Plan from Sherborn General Bylaws, dated 2009
- Memo regarding Maternity Leave from Bridget r. Graziano to the Commission, dated September 13, 2012

Discussion #4 – Aqueduct Trail Application to MWRA

- Guidelines for Public Access to Commonwealth Lands under the Care and Control of MWRA, dated April 11, 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