

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

April 4, 2013

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Michael Lesser, Kelly McClintock, Susan Tyler (arrived at 7:30PM), Alex Dowse, and Bridget Graziano (Administrator/Agent)

Absent Members: Andrea Stiller and Julia Jacobson

Guests: Elliot Taylor, Bob Gargano, Bill Sarro, Keith Bartlett, and Peter Caruso

Mr. Gaskin called the meeting to order at 7:00PM.

Determinations:

48 Page Farm Road – Proposal to install an in-ground pool and required fencing:

No one was present to represent the applicant. The Agent presented the proposal to install an in-ground pool and fencing. She stated that during the site visit a freshwater wetland resources was located, however, it was found to be approximately 150' from the limit of work. Therefore, she recommended a Negative Determination be issued by the Commission Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Mr. Dowse seconded and it was voted to approve 4-0.

32 Lake Street – Proposal to install replacement septic system:

No one was present to represent the applicant. The Agent presented the proposal to install a replacement septic system. She stated that during her site visit no wetland resources were located within 100' of the limit of work, therefore, she recommended a Negative Determination be issued by the Commission. Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Mr. Dowse seconded and it was voted to approve 4-0.

2 Snow Street

Lot 1 – Proposal to perform soil testing and installation of septic system**Lot 2 - Proposal to perform soil testing and installation of septic system****Lot 3 - 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 divide the lot into 4 separate lots, where 3 percolation tests would be performed and eventually 3 new septic systems. She reported that no wetland resources were located at the time of the site visit and therefore would recommend issuing a Negative Determination for testing and installation of new systems. Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Mr. McClintock seconded and it was voted to approve 4-0.

19 Wildwood Drive – 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 install a replacement septic system. She reported that during the site visit no wetland resources were located, therefore, she recommended a Negative Determination be issued by the Commission. Mr. Gaskin moved to accept the Agent's recommendation of a Negative Determination. Mr. Lesser seconded and it was voted to approve 4-0.

Discussions:**Discussion #1 – Whitney Farms, LLC Review of Progress**

Mr. Gargano provided an update on the project. He reported that a new source for fill from Framingham State had been tested and reviewed by Ms. Stiller and Ms. Graziano. They plan to be done bringing in loads of fill within one month. He then reported that one foundation and one stormwater basin had been dug and that the Board of Health has granted four well permits. Mr. Sarro, the consultant for Whitney Farms, noted that monitoring well samples from the Cadillac site detected bromodichloromethane and chromo chloride, but each was found to be within the allowable standards for drinking water. He reported the cause is most likely from chlorinated water coming in contact with organic material in the soil.

The Agent reported that some of the trucking companies did not note on the manifest where the fill came from. She stated that the contractor needs to provide the data to the Commission and should improve their truck manifests for future fill drop off's. The Agent then discussed the sedimentation issue along the Brook and the corrections made by Lynch Construction to remedy the situation. This was all completed under her direction.

The Agent stated that there is a concern for the review of fill testing data and if the Commission is liable for any mistakes in reviewing and approving this data for the import of fill to the site. Also, Ms. Stiller, who has been reviewing the data, does not have unlimited time to continuously check the site and review the incoming data. However, the Agent noted that she spoke with Ms. Stiller who agreed to continue the review as long as it does not continue for more than one month. The Commission noted that they thought that there is limited liability for this review and will continue to do so.

Discussion #2 – Sassamon Trace Golf Course Annual Review

The Agent reported that she rescheduled the discussion for the 4/18/13 meeting because the annual report for the golf course was not submitted prior to the meeting for the Commission to review. Mr. Lesser reported that he, Ms. Stiller and Ms. Graziano have been working on a Scope of Work for a Request for Proposals to hire a consultant to review the past 10 years of data and the golf courses proposal to reduce testing. Sassamon Trace management will present to the Commission at the next meeting.

Discussion #3 – Sherborn Wetlands Bylaw Warrant Article

Amendments were made to the language of the bylaw. Amendments were proposed to change section 1 paragraph 2 to remove the change of permit to Order of Conditions back to permit. Mr. Gaskin moved to amend the Bylaw. Mr. McClintock seconded and it was vote to approve 4-0. The Agent was asked to post the updated bylaw on the website.

Discussion #4 – 28 Hollis Street Order of Conditions

The Agent refreshed the Commission about the original proposed project at this property. It was a proposal to construct an addition to the existing dwelling. As mitigation for work in buffer zone and riverfront area, the applicant had to complete the management of invasive species. She noted that no work for the addition had begun but that Mr. Morgens the property owner had begun invasive species management. The Agent conducted a site visit in September, discovered that the Order of Conditions had not been followed, and drafted a letter to the owner. The area is now staked out for management of invasives according to the approved plan and several other conditions: a licensed applicator must conduct the herbicide application, mulch piles must be removed, and any building material must be moved to outside the buffer zone. The Commission asked the Agent to continue to work with the property owner.

Discussion #5 – 44 Page Farm Road possible violation and letter from abutters

The Agent reported she received a complaint from the abutter, Mr. Hartnett at 99 Maple Street that the homeowners at 44 Page Farm Road have been clearing land in the back yard. She then provided a progression of photos that show that no additional land has been cleared since 1995. Mr. Bartlett the property owner of 44 Page Farm Road was present. He stated that the previous owners used the back yard as a pasture for horses. It is now used as lawn. Recently, the only tree he has removed is one that has storm damage and he notified the Agent before removal.

The Agent reported she found no evidence of any recent alterations (e.g. removal of trees in the buffer zone or to wetland resources). She then stated that she would not issue an enforcement order unless directed by the Commission to do so. She noted that Mr. Hartnett has piled organic debris in the wetlands and she has asked that it be removed. This was Mr. Hartnett's first notice. She also noted that she told Mr. Bartlett to no longer burn in the buffer zone to the wetland resource and that this was written on his permit from the fire department. This would be his first notice.

Mr. Gaskin and Mr. Lesser suggested sending a letter to the Mr. Hartnett and Mr. Bartlett informing all parties that the Commission investigated and did not find a violation. Ms. Tyler and Mr. McClintock agreed. Mr. Dowse disagreed with the decision to send a letter and felt the situation was better addressed by recording the outcome in the meeting minutes. Mr. Gaskin suggested that the homeowner take photos of the property and send them to the Agent to keep as a baseline in case of future accusations.

Discussion #6 – Restoration Plan for Conservation Land/Land Management update

The Commission reviewed and discussed the revised Sherborn Forest and Reservation Rejuvenation Plan that includes \$1500-\$2000 for open space, \$1000 for the Rail Trail, up to \$3500 for the Town Forest Committee/Forest Stewardship Plan, and \$1500 for mapping. Mr. Dowse moved to approve the plan. Mr. Lesser seconded the motion and it was voted to approve 4-0.

The Agent discussed applying for the Recreational Trail Program Grant for the Rail Trail development. The Commission agreed she should apply.

The Land Management Task Force requested a reaction from residents as to the statement of principles regarding land management that the task force drafted. The Agent will supply comments to Mr. McClintock.

Discussion #7 – Remote Participation by Board, Commission, and Committee members

Ms. Tyler provided an update of the Board of Selectmen's meeting. Town Counsel stated that the Board of Selectmen (BOS) must adopt the Remote Participation policy. She reported that special equipment has been purchased and must be used for the remote participation. In addition, the meetings would have to be televised and any committee/board can opt out. It was discussed by the Commission and a majority were in favor. Ms. Tyler will provide another update at the next meeting.

Conservation Administrator/Agent's Report:

- **237 Washington Street Update**

The Agent reported she completed a site visit with the Building Inspector on Tuesday and found fill within the wetland resource itself not just the buffer zone. She noted that 3 monitoring wells have been installed and the results have been received. Ms. Stiller will review the data. Mr. Lesser asked the Agent to send the data to the entire Commission. The Agent stated she will request the property owner to provide the Agent with a map of where the monitoring wells are located for the proper review of data; the wetland is still not delineated, no erosion controls have been set, and plans needs to be provided. The property owner seems to have plans to divide the lot because he has applied for soil testing and under the regulations you cannot apply for any permit with an Enforcement Order or violation in place on the property. The Commission will have to review for approval at the next meeting once it receives an updated plan and work schedule.

- **Farm Pond Brochure Review**

The Commission reviewed the brochure for Farm Pond Stormwater Improvements. Mr. Lesser is considering participating in the presentation of the project to the Board of Selectmen.

Approval of Minutes of 3/7/13 and 3/21/13:

The Commission reviewed the meeting minutes of 3/7/13. Mr. Gaskin moved to accept the minutes as amended. Mr. McClintock seconded and it was voted to accept 4-0.

The Commission reviewed the meeting minutes of 3/21/13. Mr. Gaskin moved to accept the minutes as amended. Mr. Lesser seconded and it was voted to accept 4-0.

Adjournment:

There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 8:38p.m. Ms. Tyler seconded the motion and it voted to pass 5-0.

Respectfully submitted,

Jessica Pettit
Minutes Clerk

Documents Presented at the April 4, 2013 Public Meeting

All documents shall be kept in the Conservation Commission Office files.

Discussions:**Discussion #1**

- Board of Health Meeting Minutes, March 20, 2013
- Email to Conservation Agent from Bob Gargano, Re: Groundwater Monitoring Results, March 13, 2013
- Certificate of Analysis, R.I. Analytical, February 14, 2013

Discussion #3

- Town of Sherborn Wetlands By-Law Warrant Article

Discussion #4

- Letter to Conservation Agent from Andrew Morgens, Re: DEP #283-317 Order of Conditions for 28 Hollis Street, received March 21, 2013
- Letter to Andrew Morgens from Conservation Agent, Re: DEP #283-317 Order of Conditions for 28 Hollis Street, dated September 11, 2012

Discussion #5

- Email to Conservation Agent from Paul Hartnett, Re: Wetlands Violation at 44 Page Farm Road, March 28, 2013

Discussion #6

- *Rejuvenating Sherborn's Forest and Reservations for Public Enjoyment Stewardship to Enhance their Values for Ongoing Generations of Public Use*, Approved by the Sherborn Conservation Commission March 7, 2013, rev. April 4, 2013
- *Sherborn Forests and Reservations Restoration and Management Planning Guiding Principles and Broad Management Goals Deriving from those Principles*

Conservation Administrator/Agent's Report:**Farm Pond Brochure Review**

- Farm Pond Brochure

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