

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

June 20, 2013

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin (Chair) (arrived at 8:08pm), Alex Dowse, Kelly McClintock, Andrea Stiller and Michael Lesser (acting Chair), Julia Jacobson (arrived at 8:15pm), Bridget Graziano (Conservation Agent/Administrator)

Absent Members: Susan Tyler

Guests: Andrew Morgens, Paul Hartnett

Mr. Lesser called the meeting to order at 7:04 p.m.

Determinations:

35 Great Rock Road - Proposal to construct an addition to the existing dwelling

No one was present for the discussion. The Agent presented the proposed application for the construction of an addition to the existing dwelling. The Agent reported that the proposed project did not take place within the Commission's jurisdiction.

Mr. Dowse moved to accept the Agent's recommendation of a Negative 3 Determination with Conditions. Mr. McClintock seconded and it was voted to approve 4-0.

40 Maple Street - Proposal to install a replacement Septic System

No one was present to represent the applicant. The Agent reported that at the site visit she experienced wet conditions in upland locations, so was unable to make a proper soil color

review. The wet conditions were from recent rain storms from a 50-year storm. She stated that a 21-day waiver was submitted by the applicant in order for the Agent to have time to completed a better soil color review of a possible wetland resource formed by an old collapsed culvert that was never fixed. The Commission agreed to continue this Determination to the July 18th meeting.

Public Hearings

8:00 PM Notice of Intent 30 Old Orchard Road Proposal to install a replacement septic system

Mr. Lesser opened the hearing and moved to continue to 8:00 pm at July 18th. He asked for discussion and the Agent presented the reasoning for the continuation: (1) the wetland resources were not correctly flagged; (2) the NOI was lacking important information such as (a) the alternatives analysis required to indicate why a septic project is located in an area of Commission jurisdiction and (b) a restoration plan for any work in the buffer zone; (3) the letter from Natural Heritage Program was not present in the NOI submission; and (4) the applicant and consultant requested a continuation as none of this information required by the Commission was available for the hearing. Mr. Dowse seconded and it was voted to continue 4-0.

Discussions

Discussion #1 – 28 Hollis Street request for Amendment

Mr. Morgens was present as the property owner and applicant. The Agent gave the Commission a recap of the original permitted project. She stated that now Mr. Morgens is looking to add new areas for invasive species management, add a standalone gazebo and complete improvements to an old tree house. She then informed the Commission they would first need to vote whether this is a minor, moderate, or significant change to the Order. Mr. Lesser moved to consider it a minor amendment and Mr. Dowse seconded. Mr. Lesser asked the Agent if there was cause for this proposal to be more than a minor amendment. She replied no, but needed more information on what part of the Order needed to be changed and stated she needed a new plan with the additional invasive species management controls on the plans. The motion was called and approved 4-0.

Discussion #2 – Complaint Letter from Mr. Paul Hartnett of 99 Maple Street regarding 44 Page Farm Road

Paul Hartnett was present for the discussion. The Agent noted Keith Bartlett is away but that she did speak with him about the discussion at the Commission meeting this evening. Mr. Hartnett wishes the Commission would come out to a site visit to view what might have been new work in the buffer zone. Mr. Dowse suggested he file an RDA. Mr. Lesser and the Agent stated this would not be the right route to take because that was to work in the buffer zone. The Commission reviewed the Google earth map discussed by Mr. Hartnett. The Agent stated that no decision should be made without Mr. Bartlett present. The Commission agreed to ask Mr.

Bartlett about a site visit. Mr. Lesser asked about the possibility of the two residents compromising. Mr. Hartnett agreed he would. The Agent stated she will discuss this all including the site visit with Mr. Bartlett. The Commission discussed that proper management of property near Sewell Brook and any wetland resource is important.

Discussion #3 – Garlic Mustard Grant Project

The Agent presented the Grant information to the Commission. The Commission agreed to have the Agent pursue enrollment in the program.

Discussion #4 - How to Review our Regulations

The Commission discussed the approach for opening a hearing on the regulations. Mr. Dowse suggested dividing into a sub group with other residents who are interested in developing a better set of regulations and then to open a hearing on the regulations. Mr. McClintock asked if the group could go through and prepare a working draft for the Commission to review as this would help to avoid week to week issues with reviewing the changes. Mr. Lesser suggested that Town Counsel review the current draft set of amended regulations that the Commission prepared in 2011 in order to identify any inconsistencies with the current by-law. Then the Commission could have a public hearing and do an initial review to identify any controversial issues that could then be first addressed by a sub-committee. Mr. Gaskin asked that the Agent have Town Counsel review the current regulations as well as the draft with amendments to make sure it is consistent with the new bylaw (amended at 2013 Town Meeting). After that, the Commission can hold a hearing for the review of the regulations at a separate meeting from the regularly scheduled one. Mr. Lesser suggested notifying residents that have been to our meetings where the Bylaw and regulations were discussed because they showed interest.

Approval of Meeting Minutes

Mr. McClintock moved to approve the May 29, 2013 meeting minutes as amended. Mr. Dowse seconded and it was approved 3-0-1. Mr. Lesser abstained as he was not present at the May 29th meeting.

Conservation Agent/Admin Report

- **Beaver dam at Leland Mill** - The Agent reported that she visited the property of 32 Saddlebrook and the Conservation Land known as Leland Mill Reservation to review the beaver dam, drainage outlet piping flooding, and septic system flooding. She noted that Mr. Callahan of Beaver Solutions, Mr. Barnard (of 32 Saddlebrook Road) and Ed Wagner (CM&D Director) were present. She stated that Mr. Callahan found that the water level near the dam is at 6' which meant it could be lowered 2'. This would alleviate the drainage outlet piping flooding and threat to septic. The Agent and Mr. Wagner met with Town Administrator and it was decided to install a flow device. Mr. Wagner agreed to pay out of his budget because of the issue with the town drainage and alleviating impacts on nearby roads.

- **Reimbursement of Agent for expenses** - Mr. Lesser moved to reimburse the Agent for boots used exclusively for Commission fieldwork at the cost of approximately \$100. Mr. McClintock seconded and it was voted to approved 3-1-0 with Mr. Dowse voting against.
- **Whitney Farm turbidity results** - The Agent reported on her recent site visit with George Mariani and Doug Johnson to review locations of recent high turbidity results. She stated that during her visit she found that the erosion controls were functioning to her satisfaction. She reviewed her findings of other issues with the Commission, 1) break in erosion controls around soil pile and 2) area along erosion controls where the sediment has risen to 2' on the straw bales. The Commission asked that Mr. Mariani redo the turbidity results spreadsheet to provide a better understanding of the data. The Agent also reported that Whitney Farm has not submitted monitoring well results for the quarterly requirement. She sent a letter requesting it by June 24, 2013. She continued by stating that Mr. Gargano questioned why these results needed to be submitted now. The Agent stated she sent a response. Mr. Lesser asked the Agent to keep track of her time, as it seemed this project was taking a considerable amount of her time to keep asking for required documents and compliance.

Adjournment:

With no other business before the Commission, Mr. McClintock moved to adjourn the meeting at 8:24 p.m. Mr. Dowse seconded the motion and it was voted to approve 6-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the June 20, 2013 Public Meeting

(All documents are retained in the Conservation Commission Office.)

Hearings

Public Hearing 1 - Notice of Intent 30 Old Orchard Road

- Notice of Intent Package for 30 Old Orchard Road, dated April 2, 2013, by Merrikin Engineering, LLP
- Plan titled, " Septic System Replacement 30 Old Orchard Road, Sherborn" by CIVILized Solutions, dated February 20, 2013

Discussions

Discussion 1 - 28 Hollis Street Request to Amend the Order of Conditions

- Letter from MetroWest Engineering, titled " Minor Proposed Amendments to Existing Order of Conditions", dated May 29, 2013
- Plan titled, " Conservation Invasives Species Sketch in 28 Hollis Street, Sherborn, Mass. by MetroWest Engineering, dated May 10, 2013
- Webpage, "GreenHow", About Us
- "Meadow Management & Invasvie Species Control Plan" by MetroWest Engineering for Andrew Morgens of 28 Hollis Street, received by Sherborn Conservation Commission on December 15, 2008.
- WPA Form 5 Order of Conditions, issued January 23, 2009 by Sherborn Conservation Commission DEP #283-317
- Order of Conditions- Part II Findings and Conditions under the Sherborn General Wetlands Bylaw, dated January 23, 2009 for 28 Hollis Street, Sherborn, MA 01770
- Approved plan, titled " ", dated, by MetroWest Engineering

Discussion 2 - Complaint Letter from Mr. Paul Hartnett of 99 Maple Street regarding 44 Page Farm Road

- Email from Paul Hartnett, subject "No alteration zone compliant @ 44 Page Farm Road, dated June 8, 2013.
- Letter from Sherborn Conservation Agent to Keith Bartlett, dated May 7, 2013
- Letter from Sherborn Conservation Agent to Paul Hartnett, dated May 7, 2013

Discussion 3 - Garlic Mustard Grant Project

- Email from Amber Carr, subject "Grant Funded Garlic Mustard Control Project", dated May 21, 2013

- Email from Sherborn Conservation Agent to George Mariani, Doug Johnson, and Bob Gargano, subject " Whitney Farm Site Visit" dated June 17, 2013
- Site Visit Summary Sheet filled out by Conservation Agent, dated June 12, 2013
- Table 1. Turbidity Measurements - Whitney Farm, dated June 8 and 12 2013
- Plan titled, "Sediment and Erosion Control Plan Whitney Farm Amended Site Plans" by Meridian Associates, dated November 2, 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