

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

July 18, 2013

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Michael Lesser, Kelly McClintock, Julia Jacobson (7:45 PM), Andrea Stiller, Jessica Pettit, Alex Dowse, and Bridget Graziano (Administrator/Agent)

Absent Members: none

Guests: Bob Gargano, Mark Beaudry, Robert and Betsy Johnson, Mr. & Mrs. Halamka, Barbara Keene, Peter Caruso, Mr. & Mrs. Beatty, Susan Tyler, Mr. & Ms. McIntyre

Mr. Gaskin called the meeting to order at 7:01PM.

Determinations:

40 Maple Street- Proposal to install replacement Septic System:

No one was present to represent the applicant. The Agent presented the proposal to install septic system. She reported that during her site visit a wetland resource was found approximately 95' from the limit of work for the proposed project. The Agent recommended a Negative 3 Determination with special conditions. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was approved to accept 7-0.

21 Western Ave- Proposal to perform soil testing:

Mr. & Ms. McIntyre of McIntyre Engineering were present to represent the applicant. The Agent presented the proposal to perform soil testing. She reported that the original proposal for testing was located in a wetland so the Agent recommended having the wetland delineated and a new location chosen to avoid the wetland resource. The Agent continued by stating a new location was chosen 40' from the wetland but it was in altered buffer area. Furthermore, the access would be 10' from the wetland but this was via an existing driveway. She recommended a Negative 3 Determination for soil testing only with special conditions. Mr. Lesser moved to accept the

Agent's recommendation. Mr. Dowse seconded and it was voted to approve 6-0. The Agent noted that a Notice of Intent may be required for installation of system.

67 Western Ave- Proposal to perform soil testing and install replacement 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 reported that wetland resources were located at the time of her site visit, however, the proposed work will take place outside of the Commission's jurisdiction. The entire project was recommended for a Negative Determination with final plans to be submitted showing location outside of jurisdictional areas. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 6-0.

34 Page Farm Road- Proposal to replace distribution box:

No one was present to represent the applicant. The Agent presented the proposal to replace the distribution box. She reported that the access to project would take place within the 50' - 100' of a wetland resource. Therefore, she recommended a Negative 3 Determination with special conditions. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 6-0.

131 Bogastow Brook Road - Proposal to replace distribution box:

No one was present to represent the applicant. The Agent presented the proposal to replace the distribution box. She reported that the access to project would take place within the 50' - 100' of a wetland resource. Therefore, she recommended a Negative 3 Determination with special conditions. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 6-0.

14 Brook Street- Proposal to perform soil testing and install replacement septic system:

Mr. & Mrs. McIntyre of McIntyre Engineering were present to represent the applicant. The Agent presented the proposal to perform soil testing and install new replacement septic system. She reported that the proposed work would not take place within the jurisdiction of the Commission. Mr. McIntyre mentioned that during testing they moved to the back of the property, where he thought that the Commission did not want testing. The Agent responded by noting that the Commission had not approved or disapproved any testing in that location and that there were two testing locations on the plan she was recommending for approval as Negative Determination. She stated that there must have been a misunderstanding about the location in the backyard. The Agent stated that she simply told the Board of Health that this testing location was next to a well that was supposedly dug two years ago. Mr. Gaskin moved to accept the Agent's recommendation. Mrs. Stiller seconded and it was voted to approve 6-0.

100 Prospect Street- Proposal to construct an addition to the existing dwelling:

No one was present to represent the applicant. The Agent presented the proposal to construct an addition to the existing dwelling. She reported that the access to project would take place

approximately 145' from a wetland resource. Therefore, she recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 7-0.

11 Unity Lane- Proposal to remove hazardous trees :

Barbara Keene of Tree Specialists and Mr. & Mrs. Halamka were present as the applicants' representative and the property owners, respectively. Ms. Keene presented the proposal to remove 8 poplar trees from the outer buffer zone. The Agent presented her findings at the site stating that the removal of these trees would not impact the wetland or the interests of the Act and Bylaw. She continued by stated that the trees were on the outer edge of the 100' buffer zone, no replanting would be necessary because the very small and dispersed overall loss of canopy will not alter the wetland and opening of the canopy will allow saplings to grow and new generation of vegetation. Mr. Lesser moved issue a Negative 3 Determination with special conditions. Mr. Gaskin seconded and it was voted to approve 6-0.

11 Unity Lane- Proposal to control invasives, construct a bridge, and meadow management:

Barbara Keene of Tree Specialists and Mr. & Mrs. Halamka were present as the applicants' representative and the property owners, respectively. Ms. Keene presented the proposal to control invasive species of plants, construct a footbridge, and complete annual meadow management. Mr. Dowse advised the applicant about appropriate time of year mowing for invasive management. Mr. Gaskin asked the Agent to report on her findings. She reported that due to the work within the resource area and along the bank of stream, she would recommend a positive 3, 4, and 5 Determination. She felt this type of work is not a one-time ongoing management with potential for plantings in the wetland. The invasive control would have affects to wetlands if not planned and implemented properly. She continued to note that though removal of invasives is a plus to the wetland, there is still loss of vegetation which would have an effect on the wetland resource. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 6-0.

33 Cider Hill Road- Proposal to replace Distribution box:

No one was present to represent the applicant. The Agent presented the proposal to replace the distribution box. She reported that the access to project would take place outside the Commission's jurisdiction. Therefore, she recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 7-0.

11 Goulding Street E- Proposal to replace Distribution box:

No one was present to represent the applicant. The Agent presented the proposal to replace the distribution box. She reported that the access to project would take place outside the Commission's jurisdiction. Therefore, she recommended a Negative Determination. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 7-0.

Public Hearings**Public Hearing #1 - Peace Abby (North Main Street) Map 11 Lot 26B Notice of Intent**

Mr. Gaskin opened the hearing at 7:31 pm. The Agent reviewed all abutter notifications and found that three residents were without the return receipts. The Commission agreed to accept the certified mail cards without return receipt for evidence of notification. Mr. Hutnak of Andrew's Survey & Engineering, Inc. presented as the representative of the applicant. He presented the applicant's proposed project to install three wells for proposed housing development and the access road to the site of the proposed wells. The Commission discussed the proposal and then Mr. Gaskin asked the Agent for her report and recommendations. The Agent reported that she believes the most alteration to buffer zone is during the drilling of the wells. She recommended asking for replacement of trees and understory based on her vegetation survey. She then continued to provide species of understory that would help with stabilization of soils and wildlife habitat for planting post-construction. Mr. Dowse felt the area would re-generate itself. The Agent then suggested planting 8 Acer rubrum (Red Maple) and a to be determined amount of mayapple in the understory supported by leaf litter Mr. Lesser suggested the possibility of planting the trees in portion of the buffer zone that may need improvement given the sufficient canopy where trees were to be removed. The Commission then discussed the water lines that would need to be constructed to tie wells into the new homes. It was agreed that a condition would be added discussing the applicant filing and amendment for the water line. Mr. Gaskin asked if Commissioners required more information. Then he moved to close the hearing. Mr. Dowse seconded and it was voted to approve 7-0.

Mr. Gaskin stated that the Commission finds that all alterations within the 40' – 100' buffer zone shall be temporary in nature and have been proposed to be reverted back to original condition. The applicant has proposed as remediation to restore all disturbed areas understory along with immediate grading and stabilization through placement of leaf litter. Additionally, the applicant has provided an alternatives analysis regarding the placement of system within the no-alteration zone and sufficient reasoning for placement in this location. The Commission finds that the analysis is sufficient and warrants the placement of this system in its proposed location. All aforementioned preventative measures will protect the wetland resource from any possible alterations during and post-construction. In addition, the applicant has agreed to special conditions set forth at this hearing in order to protected the interests of the Act and the Sherborn General Bylaw, Chapter 17 during/post-construction, therefore, the Commission grants approval of the proposed project. It was noted that if the project does not move forward then all areas shall be immediately restored to their original conditions with plantings 1:1. Mr. Gaskin moved to grant the applicant an Order of Conditions and approve the proposed project. Mr. Dowse seconded and it was voted to approve 7-0.

Public Hearing #2 - 30 Old Orchard Road Notice of Intent

Mr. Gaskin opened the hearing at 8:06PM. The Agent reviewed the abutter notifications and all certified and return receipts were accounted for. Richard Merrikin of Merrikin Engineering was present as the applicant's representative. He presented the proposal for new septic system, which

would be for an alternative system with a FAST tank to replace a failing system. The Commission discussed the location for where the system will be installed. It was noted that it was not landscaped area but natural buffer zone, but there are no alternative sites outside Commission jurisdiction and the proposed technology involves significantly less disturbance than conventional systems. The Agent offered options for restoration of the area where the septic is proposed. Also, she noted that the Board of Health needs stabilization immediately and she is not sure that seed is required. The Commission noted that to hopefully conform with BOH and Con Com needs an annual rye grass will be applied for stabilization along with composed leaves. Then this area will be allowed to revegetated naturally. Mr. Merrikin noted that any large shrubs and trees will be left in place or pulled up and replanted post-construction. Mr. Gaskin asked if other Commissioners required more information. Then he moved to close the hearing. Mr. Lesser seconded and it was voted to close 7-0.

The Commission discussed conditions for the protection of the wetland resource. Mr. Gaskin then stated that the Commission finds that all alterations within the 50' – 100' buffer zone have been sufficiently mitigated for by the applicants proposal to restore the altered areas back to the original state of natural buffer zone and the installation of an alternative system, which allows for trees to remain in place. In addition, the Commission has discussed requiring specific conditions during and post- construction in order to protect the wetland resources, which the applicant has agreed to. With the applicant's agreement to special conditions set forth at this hearing in order to protected the interests of the Act and the Sherborn General Bylaw, Chapter 17 during/post-construction, the Commission grants approval of the proposed project. Mr. Gaskin moved to grant approval of the proposed project DEP #283-0351. Mr. McClintock seconded and it was voted to approve 7-0.

Public Hearing # 3 - 237 Washington Street Notice of Intent

Mr. Gaskin opened hearing at 8:30 pm. The Agent reviewed the abutter notification and found that two notifications were missing the return receipt cards but did have the certified mailing slips. The Commission agreed to move forward with the hearing. Arthur Allen of EcoTec, Inc. presented the proposed project to restore the all alterations of wetlands and their associated buffer zones. Ms. Stiller stated that she would like to see MW-2 tested for EPH and VPH along with metals, and she had other data requests as well. The Commission then discussed testing of fill if the fill is to be used on site. Mr. Lesser noted his concern for the proponent not meeting the requirements for soil testing at the lab. He explained that he read the data sheets from the lab which noted that the samples were submitted at a high temperature then the lab requires and the dilution of the samples submitted. He stated this concerned him.

Mr. Gaskin asked that Ms. Stiller and the Agent work together to draft a list of additional information and data needs to present to the applicant before the next meeting. The Agent asked for the submission of one plan with all information incorporated on it, instead of two. She continued by noting that the amount of fill noted on the plan seems correct based on field observation and soil testing performed and reviewed by Paul McManus and Ms. Graziano. The Agent reported that the Commission has not received a letter from Natural Heritage Program. Mr. Gaskin opened the meeting to public comment for this project. Betsy Johnson stated that she is familiar with the property and is sure that there is more fill near the stream and Washington Street. The Agent then reported that during her site visit review under the NOI she discovered new fencing has been erected and that an undisturbed area of the buffer zone up to the wetland

had been altered without the Commission's approval and that this would now need to be restored and added to the NOI. Based on this discussion the Commission asked the applicant to return with more information on all issues discussed at this hearing. Mr. Gaskin moved to continue this hearing to August 1st at 7:30 PM. Ms. Stiller seconded and it was voted to continue 7-0.

Public Hearing #4 - Whitney Farm, LLC 59 Whitney Street Notice of Intent:

Mr. Gaskin opened the hearing at 9:20 PM. The Agent reviewed the abutter notification receipt and found that four were missing return receipts, however one of those residents was present for this hearing. The Commission agreed to move forward with the hearing, based on the fact the certified receipts of mailing were submitted.

Mr. Beaudry of Meridian Associates presented to the Commission a proposal to install a natural gas line under the existing cart path to the new development at Whitney Farm. He noted that they are filing under the Bylaw and State law because filing under only the state law as a 40B would require requesting a waiver from the ZBA. Bob Gargano of Little Harbor Construction mentioned that this project would only take one day and would use a small rubber tire mounted excavator. The disturbances would be temporary and all areas would be restored to their current conditions. Mr. Gaskin stated that the Commission is still waiting for the DEP number and a letter from Natural Heritage Program regarding rare species impacts. Therefore, he moved to continue the hearing to Aug 1st at 8:15 PM. Mr. McClintock seconded and it was voted to continue 7-0.

Discussions

Discussion #1 - Whitney Farm, LLC updated Progress on Housing Development:

For informational purposes, Mark Beaudry of Meridian Associates presented new configuration of Adams Road creating less impervious area in the buffer zone and adding a new mailbox structure that is outside of Commission jurisdiction. In addition, a different septic system for waste disposal is being proposed. The Agent stated this will have an increase of area within the buffer zone. The Agent stated that she must have a request to Amend in writing and time for Commission to review. Mr. Caruso, a resident, asked why the septic technology was being changed, and Mr. Beaudry stated this system has better filtration. The Commission asked Mr. Beaudry to send letter requesting amendment and then it will be added to the agenda.

Discussion #2 - Ratification of Emergency Certification:

- **155 Maple Street, 5 Pleasant Street** : Mr. Gaskin moved to ratify the Emergency Certification. Mr. McClintock seconded and it was voted to approve 5-1 with Mr. Dowse dissenting
- **Saddlebrook Road and Leland Mill Pond** : Mr. Gaskin moved to ratify the Emergency Certification. Mr. Lesser seconded and it was voted to approve 5-1 with Mr. Dowse dissenting.

Mr. Dowse stated that he has received many complaints about the installation of the beaver deceivers and that he does not agree with installing them in emergency situations. He would like this item added to the next agenda. Mr. Gaskin asked the Agent to add this to the next Agenda.

Conservation Administrator/Agent's Report:

- **Final FY 13 warrant** - The Agent reported that the Commission returned \$1500 of our budget to the Town.
- **Conservation land management at Schoolhouse Lot and Hidden Meadow-** The Agent reported that both fields need to be mowed. The Commission agreed that both should be mowed in late August. Both are being paid for by residents.

Approval of Minutes of June 6, 2013 and June 20, 2013:

The Commission reviewed the meeting minutes of 6/6/13. Mr. McClintock moved to accept the minutes as amended. Mr. Gaskin seconded and it was voted to accept 7-0.

The Commission reviewed the meeting minutes of 6/20/13. Mr. McClintock moved to accept the minutes as amended. Mr. Gaskin seconded and it was voted to accept 7-0.

Adjournment:

There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 10:38p.m. Mr. Dowse seconded the motion and it voted to pass 7-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the July 18, 2013 Public Meeting

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

Public Hearings**Public Hearing #1:**

- Notice of Intent Application Package, dated June 26, 2013
- Plan titled, "Conservation Plan of North Main Street, Assessors Map 11 Lot 26B" by Andrews Survey & Engineering, Inc., dated June 26, 2013, revised July 15, 2013
- Conservation Agent Notes, Subject "Peace Abbey", dated July 18, 2013

Public Hearing #2:

- Notice of Intent package, titled "30 Old Orchard Road", dated April 2, 2013
- Site Evaluation & Wetland Delineation by AES, dated June 21, 2013
- Supplemental Information, REF "30 Old Orchard Road, DEP File 283-0351 Supplemental information", dated July 17, 2013
- Plan titled, "Septic System Replacement 30 Old Orchard Road, Sherborn" by CIVILized Solutions, dated February 20, 2013, revised July 15, 2013
- Conservation Agent Notes, Subject "30 Ol Orchard Road", dated July 18, 2013

Public Hearing #3

- Notice of Intent package for 237 Washington Street by EcoTec, Inc., dated June 28, 2013
- Letter from 21 Environmental, Inc. titled "Notice of Intent Addendum", dated July 1, 2013 with map
- Plans titled, "Site Development Project 237 Washington Street, Sherborn, Massachusetts", dated July 1, 2013
- Conservation Agent Notes, Subject "237 Washington Street" , dated July 18, 2013
- Sample Location Plan by 21 Environmental, Inc., dated July 2013
- Pictures from site visit on July 16, 2013

Public Hearing #4

- Notice of Intent for Whitney Farms package, dated July 3, 2013, , by Meridian Associates
- Supplemental Information, titled "Project Stabilization and Re-vegetation Narrative", dated July 18, 2013, by Meridian Associates
- Plan titled "Gas Service Connection Exhibit Whitney Farm Amended Site Plans", dated July 3, 2013, by Meridian Associates
- Conservation Agent Notes, Subject "Whitney Farm, dated July 18, 2013

Discussions

Discussion #1

- Letter to Mr. Steve Gaskin from Meridian Associates, titled "Whitney Farm", dated July 18, 2013
- Plan titled, "Whitney Farm Amended Site Plan Set", dated December 3, 2013, revised May 24, 2013 and July 3, 2013

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