

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

August 15, 2013  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

**Members Present:** Steve Gaskin, Michael Lesser, Kelly McClintock, Jessica Pettit, Andrea Stiller, and Bridget Graziano (Administrator/Agent); Julia Jacobson (arrived at 7:25 PM)

**Absent Members:** Alex Dowse

**Guests:** Alex Hurt and Pat Panza

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

## **Discussions:**

### **Discussion #1 – Interview with Minutes Clerk Candidate**

Alison Mitchell was present as a candidate for the Minutes Clerk position. The Commission asked her questions about her recent employment and current employment status. Ms. Mitchell explained she recently moved back from India where she was teaching at a boarding school. She stated that she attended Wheaton School and is now pursuing her Master's Degree in Education, attending Leslie University. Mr. Gaskin asked her about a writing sample, which she submitted and if she ever took minutes before. Ms. Mitchell stated yes and noted her services at Wheaton administration. Mr. Gaskin asked about her environmental knowledge. She replied that her undergraduate studies were in geology and archeology so she was required to take some environmental based classes. Mr. Lesser mentioned that the Commission received approval for her to work on a temporary basis as minutes clerk until we can fill the position. The Commission agreed to wait 30 days from the date of the position posting until a decision on the candidates was made.

### **Approval of Meeting Minutes of 8/1/13**

Mr. Gaskin moved to accept the minutes as amended. Ms. Pettit seconded the motion and it was voted to approve 5-0.

### **Signing of Warrant # 8**

The Agent presented a bill for MACC (Massachusetts Association of Conservation Commissioners) town/group membership, which was to be paid at the previous year's level as was budgeted at \$549.

### **Public Hearings**

#### **Public Hearing #1 - 237 Washington Street Notice of Intent (continued from the meetings of July 18, 2013 & August 1, 2013)**

Mr. Gaskin opened hearing at 7:30 pm. Mr. Panza, the applicant's representative, arrived at 7:30 pm. Mr. Hurt, the applicant arrived at 7:40 pm. Mr. Hurt provided a new plan. The Commission reviewed a document entitled "237 Washington Street, Sherborn, MA" drafted by 21 Environmental, which was a reply to Commission information requests and issues from the last meeting of 8/1/13. Ms. Stiller provided her comments on this document, along with some comments from the Agent. The Commission and the applicant agreed on and finalized the following conditions and requirements to provide specific data to the Commission, based on the document mentioned above.

- 1) All copies of the environmental site assessment reports for all areas of potential environmental concern on the subject property shall be provided to the Commission. All data should be provided to the Commission within one month testing or publishing the analytical data reports, and the results shall be tabulated, and compared to the Reportable and Method 1 Risk Based Standards for soil category S-1 and groundwater category GW-1, and applicable surface water quality standards, as appropriate. The Commission shall be promptly notified within 48 hours or two business days of the discovery of any contamination encountered above MCP Reportable Concentrations or Quantities, including releases where Limited Removal Actions are planned at the property.
- 2) The Contingency Plans for the discovery of suspect or confirmed asbestos containing materials, drums, tanks, soil or groundwater contamination or other environmental conditions shall be prepared and presented to the Commission prior to the start of work.
- 3) A dust control plan must be prepared and presented to the Commission prior to the start of excavation work. All approved protocols in this plan shall be follow on site during excavation work.
- 4) Assessment in the northwest portion of the property, east of the brook and north of the previously identified fill area, shall be conducted to look for additional fill material and buried debris. If additional fill is identified, the Commission requests that it be informed.
- 5) Groundwater analysis for EPH at MW-1 and MW-2 shall be conducted and submitted to the Commission and/or the Agent.
- 6) Exit testing or confirmatory testing shall be conducted of soil and groundwater beneath the debris/fill removal areas.
- 7) Soil and groundwater analyses shall be conducted from all areas where contamination or suspect contamination (Oil and/or hazardous materials) are encountered during excavation and assessment.
- 8) Groundwater from MW-2 shall be tested for metals in addition to EPH and VPH. Additional analyses may be required contingent on the findings during fill assessment and re-

moval, and fill characterization testing results. The Commission reserves the right to require additional testing, based on information or testing results submitted.

- 9) Any plan for off-site disposal of fill and/or on site reuse of fill materials shall be submitted to the Commission and/or the Agent prior to implementation of the plan.
- 10) Analytical results shall, to the extent possible, have detection limits at the GW-1 and S-1 Method 1 Risk Based Standards of the Massachusetts Contingency Plan, as appropriate.
- 11) If the total square footage of area altered by placement of fill exceeds the 720 sq ft proposed for restoration, the applicant will then be responsible for a 1:1 ratio restoration for every square foot above 720.
- 12) Any proposal to revised the vegetation on the list shall be submitted to the Agent and/or the Commission for review and approved prior to the planting of any vegetation within the wetland and/or the 100' buffer zone of any freshwater wetland.
- 13) At the conclusion of Wetland Restoration Area construction and planting, erosion control blankets and/or straw shall be installed along/around the replacement areas and the adjacent upland.
- 14) A qualified wetland scientist shall monitor the restoration areas for TWO consecutive growing seasons (in October) following construction of said restoration areas. At the end of each seasonal inspection, a progress report and photographs shall be prepared and submitted to the Conservation Commission that describes the survivability, health and vigor of the restoration areas. A total of TWO separate monitoring reports shall be submitted over a two-year period. If at the end of the first growing season, overall success of restoration activities is not achieved, the Commission reserves the rights to require additional restoration measures. Restoration shall be deemed successful when at least 75% of the surface of the restoration area is established with indigenous species. Restoration shall be deemed successful when at least 75% of the plantings within the restoration area have been achieved. The reports shall include:
  - A list of dominant plant species occurring within each replacement area and their wetland indicator status.
  - Calculations documenting the percentage of plants within each wetland restoration area known to occur within wetlands.
  - Proposed modifications, if necessary, to each wetland replacement area.
- 15) Within 45 days following construction of the restoration areas, the wetland scientist shall certify to the Commission that the areas have been restored in substantial compliance with the Order of Conditions.
- 16) All conditions of this Order shall be set in an Amended Enforcement Order issued on September 12, 2013. All conditions of this Order must be met and a Certificate of Compliance granted in order to removed the Amended Enforcement Order issued on September 13, 2013 from the title.

These are just some of the conditions discussed in depth at the meeting.

Mr. Gaskin moved to close the hearing at 8:47 pm. Ms. Jacobson seconded the motion and it was voted to approve 6-0.

Mr. Gaskin stated that Commission hereby finds that the applicant has; (1) submitted sufficient information demonstrating that the proposed restoration of the wetland resource and the buffer zone will be an overall improvement, (2) shown that the work proposed to restore the wetland will be temporary and it will be restored to its pre-disturbed conditions based on aerial

photography of the site and soil testing to determine the depth of the fill, (3) proposed to complete all required testing of soils, groundwater, and surface water at the site, pursuant to special conditions set forth in the issued Order, in order to provide evidence to the Commission that there is no contamination of the wetland, the intermittent stream, all associated buffer zone and/or private wells, and (4) shown that the projects meets the performance standards under 310 CMR 10.55 (4) for alteration of wetland resource.

Mr. Gaskin moved to approve the proposed plan with the Special Conditions discussed at this hearing. Mr. McClintock seconded the motion and it was voted to approve 6-0.

### **Discussion #2 – Update on Wildlife Mgmt Meeting/Beaver Mgmt Docs**

Mr. Lesser noted that he was not able to attend the Wildlife Management Committee Meeting and Ms. Graziano was absent for it as well. It was agreed that Ms. Graziano should draft a decision tree for beaver management.

Mr. Gaskin asked Mr. Lesser to attend the Board of Health Meeting to represent the Conservation Commission. He agreed.

### **Discussion #3 - Land Management/Forestry Stewardship Update**

Ms. Graziano summarized her meeting with Phil Benjamin to review the NSTAR easements at Barber Reservation along with some representatives from NSTAR. She explained that the visit helped the NSTAR staff understand where the equipment would enter under the transmission lines but there was no final decision made at the site. Mr. McClintock cited the cost of paying Mr. Benjamin for previous work even if NSTAR will not approve our access under the transmission lines. The Commission discussed requesting help from the TA or BOS with permitting our access under the transmission lines. The agent noted that it was discussed at her meeting with Mr. Benjamin that if this particular forestry project does not work the Commission and he can move to the next proposed site.

Ms. Jacobson arrived at 7:25 pm

Ms. Jacobson said that she could try to help with NSTAR communications.

### **Conservation Administrator/Agent's Report:**

- **Progress on Regulation amendments-** The Agent reported that she spoke with Town Counsel (TC) who is reviewing our proposed amendments from 2011 and her proposed amendments based on our new amendments to the Bylaw in 2013. She noted that TC is on vacation for two weeks and agreed to try to provide revisions by the second meeting in September.

### **Adjournment:**

There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 8:59 p.m. Ms. Pettit seconded the motion and it voted to pass 6-0.

Respectfully submitted,

Alison Browning Mitchell  
Consultant Minutes Clerk

**Documents Presented at the August 15, 2013 Public Meeting**

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

**Discussions:****Discussion #1**

- Alison Mitchell resume

**Discussion #2 (all documents provided by the Sherborn Board of Health)**

- Document titled, "Living with Wildlife: The Beaver in Massachusetts" dated November 2009 by the Division of Fisheries and Wildlife
- Website Document titled, "Managing Beavers", dated 2013 by Energy and Environmental Affairs
- Website Document titled, "Preventing Conflicts with Beavers" dated 2013 by Energy and Environmental Affairs
- Document titled, "Beavers and the Law: A Citizen's guide to Addressing Beaver Conflicts", dated February 2010 by Division of Fisheries and Wildlife
- Flow Chart-Massachusetts Beaver Law Flow Chart (source unknown)
- Sherborn Board of Health Procedures for Dealing with Beavers/Muskrats, approved April 28, 2008
- Sherborn Board of Health 10-day Emergency Beaver and Muskrat Permit
- Document titled, "Guidance for Boards of Health Implementing MGL c.131, s80A, Threats from Beaver and Muskrat-Related Activities, drafted by the Executive Office of Health and Human Services, Massachusetts, dated February 14, 2001
- Document titled, "Guidance for Conservation Commissions Implementing MGL c.131, s80A, Threats from Beaver and Muskrat-Related Activities, drafted by Department of Environmental Protection, dated February 1, 2001
- Massachusetts General Law c.131 s.80A

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

- Document titled "Notice of Intent" by EcoTec, Inc., dated June 28, 2013 and revised August 13, 2013
- Document titled "Notice of Intent" by EcoTec, Inc., dated June 28, 2013 and revised July 26, 2013
- Memorandum dated August 8, 2013 titled, "237 Washington St., Sherborn (DEP No. 283-352) by Eco Tec Inc.
- Letter from 21 Environmental, Inc. titled "237 Washington Street, Sherborn, MA", dated August 9, 2013 with maps
- Document no title with response noted from Letter from 21 Environmental, Inc. titled "237 Washington Street, Sherborn, MA", dated August 9, 2013 with maps

- Revised Regulations from October 27, 2011