

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 26, 2013

Sherborn Town Hall

6:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Michael Lesser, Andrea Stiller, Julia Jacobson and Bridget Graziano (Conservation Agent/Administrator)

Absent Members: Alex Dowse, Kelly McClintock, Jessica Pettit

Guests: Mark Comeau, Mark Mastroianni, Chris Lucas, Michael Marcus, Harley Kaplan

Mr. Gaskin called the meeting to order at 6:08 p.m.

Determinations:

90 Maple Street- Proposal to perform soil testing on two separate occasions

The applicants were present, Mark Mastroianni and Mark Comeau of Pulte Homes of New England, who are under contract with the property owner Ken Gray to purchase the property. In addition, to Pulte Homes staff, Chris Lucas of Lucas Environmental was present as Pulte's wetlands scientist and Michael Marcus of New England Environmental was present as Pulte's representative for swamp mat recommendation and installation. Mr. Mastroianni presented his proposal to perform geologic and soil testing (unwitnessed by BOH) and then witnessed by BOH (after Nov. 1 for new construction). He stated that the proposal for testing access uses existing farm roads/cart path. Access will be within the Commission's jurisdiction but with the intension of accessing upland locations for testing for a residential development. Mr. Mastroianni reviewed the access path noting use of swamp mats and proposing the removal of only one red maple tree.

The Chairman called on a residents, Harley Kaplan who stated issues with endangered species, wetlands, and the width of the path proposed for access to the site. He explained to the Commission his concern for allowing this work and the possibility for alteration of habitat and wetlands. Mr. Gaskin noted that this proposal is just for soil testing and not for the proposed development. He noted that the Commission will address decisions regarding the development when this project is proposed to the Commission, requesting approval.

Mr. Lesser asked the Agent about enforcement under a Determination. The Agent noted that this Determination may be enforced in the same manner as an Order of Conditions, as was explained

to her by Department of Environmental Protection (DEP). The Agent reported she met with Pulte Homes a few time at the site and found the cart path to be the best means of access to the uplands locations and that at this time of year species found in some of the wetland resources are not breeding in these areas. In addition, access over wetland resource could be made easily with the use of swamp mats, which would be in place temporarily only as equipment passes through wetland areas. The applicants agreed (i) to notify the Agent when the equipment would move through the wetlands and so that she could be present and (ii) to inspect any wetland impacts from the first testing effort and to procedural changes if requested. Overall, any wetland changes, if any, would be temporary in nature. The Agent recommended a Negative 2, 3 and Positive 2b , 5 Determination. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 4-0.

North Main Street, Map 12 Lot 26B Peace Abbey - Proposal to install new septic system for 18 unit housing

No one was present to represent the applicant. The Agent presented the applicant's proposal to install septic system for an 18 unit housing development. She reported that all access and installation with take place outside the 100' buffer zone to the isolated wetland on site. Therefore, she recommended a Negative Determination be issued. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Jacobson seconded and it was voted to approve 4-0.

255 Western Ave - Demolition of the existing dwelling due to fire damage and re-construct the single family dwelling

No one was present to represent the applicant. The Agent presented the applicant's proposal to demolish of the existing dwelling due to fire damage and re-construct the single family dwelling. She reported that all access and construction is outside the Commission's jurisdiction. Therefore, she recommended a Negative Determination be issued. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Jacobson seconded and it was voted to approve 4-0.

The Agent noted she received a request for the Commission to waive the fee. Mr. Gaskin stated there is no reason to waive the fee and it would set a precedent. Mr. Gaskin moved to no waive the fee. Ms. Jacobson seconded and it was voted to accept 4-0. Fee of \$120 will be collected by Agent.

114 Farm Road - Proposal to replace existing walkway over marsh and bordering vegetated wetland (continued with 21 day waiver from 9/5 meeting)

No one was present to represent the applicant. The Agent reported on a discussion with DEP regarding in-kind, hand work in wetlands. Based on this discussion, she recommended the Commission issue a Negative 2, 3 and positive 2b , 5 Determination, as the work will take place in wetland resource but will not fill, dredge or alter the resource and therefore does not require a Notice of Intent. The Agent noted she will impose conditions for replacement, noting placement is only approved for in-kind for a 3' wide walkway with aluminum footings, length of 230', and to be completed by hand. Mr. Lesser moved to accept the Agent's recommendation. Mr. Gaskin seconded and it was voted to approve 4-0.

Ratify Amended EO 237 Washington Street issued September 12, 2013

The Agent reported that she issued the Amended Enforcement Order for 237 Washington Street. She stated this was issued to mirror the Order of Conditions for 237 Washington Street and the Chairman reviewed this document. Mr. Gaskin moved to ratify the Enforcement Order. Ms. Stiller seconded and it was voted to accept 4-0.

Forest Street Dam Emergency Certification

The Agent reported that she issued an Emergency Certification in response to the Board of Health issuing a Emergency permit to trap beavers and breach a dam at Forest Street Culvert at 69 Forest Street. She continued by stating that she issued the Emergency Certification for removal of beaver dam from Forest Street road culvert. Mr. Gaskin moved to ratify the Emergency Certification. Ms. Stiller seconded and it was voted to accept 4-0.

Discussions:

Discussion # 1 - Conservation Land management

- Vote to proceed with Forestry work at Barber
- Vote approximately \$800 for work at Barber from CTF

The Agent reported that she will not be discussing Forestry work until more public outreach can be completed. She reported on proposed work at Barber Reservation and possible Hopestill Reservation to continue with proposed restoration of fields on town lands. At her last Land Management Task Force Meeting, it was discussed asking Ed Barry to come back to Barber Reservation to removed encroaching brush from stone walls. George Fiske negotiated having Mr. Barry do 3 days for \$700 per day for a total of \$2100, Forest and Trails Association agreed to pay half and now is looking for the Commission to pay half. The Agent noted if approved, she would like to have Mr. Barry do some wall clearing at Hopestill during the 3 days. The Commission felt that \$700 per day was a lot and asked that they try to find someone to do for less. Mr. Lesser asked if this money expenditure is within the Commission's land management document "Rejuvenating Sherborn's Forests and Reservations for public enjoyment" approved April 4, 2013. The Agent read through the document and it stated the Commission would expend \$2000 annually if Forest and Trails Association matched this. So this vote would be in compliance with the plan approved by the Commission and presented to the Board of Selectmen. Mr. Gaskin moved to approve the expenditure of \$800 if it will be matched by an equal or greater amount by Forest and Trails Association. Ms. Jacobson seconded and it was voted to approve 4-0.

Approval of Meeting Minutes of 8/15/13 & 9/5/13

The Commission agreed to postpone approving the minutes of 8/15 so Ms. Stiller and the Agent could review in them depth.

The Commission reviewed the meeting minutes of 9/5/13. Mr. Gaskin moved to accept the minutes as amended. Mr. Lesser seconded and it was voted to accept 4-0.

Signing of the Warrant

The Commission reviewed Warrant #14 for submittal. The Agent reported the only item on the warrant is the cost for the reimbursement for mailing. Mr. Gaskin reviewed and signed the warrant.

Adjournment

There being no other business to attend to, Mr. Gaskin moved to adjourn the meeting at 7:04 p.m. Ms. Stiller seconded and it voted to approve 4-0.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the September 26, 2013 Public Meeting

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

Determinations**90 Maple Street**

- Aerial Map of Sherborn, 90 Maple Street titled, "Swamp Mat Locations, Figure 3" by Lucas Environmental, LLC Figure 3
- Document submitted by Harley Kaplan civil action court case, In the US District Court for the Eastern District of VA Alexandria Division for US, State of Colorado, State of Maryland, State of Nevada, State of Tennessee, and Commonwealth of Virginia vs. Pulte Homes

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