

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

October 3, 2013  
Sherborn Town Hall  
7:00 P.M.  
Minutes of the Meeting

**Members Present:** Alex Dowse (departed at 8:26pm), Julia Jacobson, Michael Lesser and Andrea Stiller; Jessica Pettit (arrived at 7:16pm), Bridget Graziano (Conservation Agent/Administrator)

**Absent Members:** Steve Gaskin, Kelly McClintock

**Guests (in order of appearance):** Beth Jenkins, Tom Corrado, Cindy Ostrowski, Allan Giesen, Scott Barnard

Mr. Lesser called the meeting to order at 7:08 p.m.

## **Determinations**

### **33 Forest Street- Proposal to replace the existing distribution box**

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace the existing distribution box. She reported that no wetland resources were found during her site visit. Therefore, she recommended the Commission issue a Negative Determination. Mr. Dowse moved to accept the Agent's recommendation of a Negative Determination. Mr. Lesser seconded the motion and it was voted to approve 4-0.

### **10 Spywood Road - Proposal to construct a new addition on an existing dwelling**

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a new addition to the existing dwelling. She reported that this proposed work is outside the Commission's jurisdiction. Therefore, she recommended the Commission issue a Negative Determination. Mr. Lesser moved to accept the Agent's recommendation of a Negative Determination. Mr. Dowse seconded the motion and it was voted to approve 4-0.

**49 Green Lane - Proposal to perform repairs to the existing foundation for proper stabilization of structure**

No one was present to represent the applicant. The Agent presented the applicant's proposal to complete repairs and "re-stabilize" existing foundation. She reported that this proposed work is outside the Commission's jurisdiction. Therefore, she recommended the Commission issue a Negative Determination. Mr. Lesser moved to accept the Agent's recommendation of a Negative Determination. Ms. Stiller seconded the motion and it was voted to approve 4-0.

Ms. Pettit Arrived at 7:16 PM.

**59 Russett Hill Road - Proposal to install a replacement septic system**

No one was present to represent the applicant. The Agent presented the applicant's proposal to install replacement septic system. She reported that this proposed work is outside the Commission's jurisdiction. Therefore, she recommended the Commission issue a Negative Determination and that she would send a letter to the applicant notifying them that their project fell within Est/Priority Habitat and they may need to file with Natural Heritage under Massachusetts Endangered Species Act (MESA). Mr. Lesser moved to accept the Agent's recommendation of a Negative Determination. Mr. Jacobson seconded the motion and it was voted to approve 5-0

**Western Ave, Map 2 Lot 3 (in front of 63 Western Ave - Proposal to perform soil testing and installation of new septic system**

Ms. Beth Jenkins was present as the property owner. The Agent presented the applicant's proposal to perform soil testing and install replacement septic system. She reported that this proposed work is outside the Commission's jurisdiction. Therefore, she recommended the Commission issue a Negative Determination with a final proposed septic system location for Commission files. The applicant's wife, Mrs. Beth Jenkins, stated that she believed that the application was intended only to cover only soil testing but that she did not wish to amend the application. After some discussion, Ms. Jenkins was informed that septic installation would require submission of a plan for Commission review. Mr. Lesser moved to accept the Agent's recommendation of a Negative Determination. Mr. Stiller seconded the motion and it was voted to approve 5-0.

**Signing of Warrant #14**

Mr. Gaskin reviewed and signed Warrant for Commission expenses.

**APPROVAL OF MEETING MINUTES**

The Commission then discussed the minutes for the Commission's August 15<sup>th</sup> and September 26<sup>th</sup> meetings.

**August 15, 2013**

Mr. Lesser moved to approve the minutes as amended. Ms. Stiller seconded the motion and it was voted to approved 5-0.

### **September 26, 2013**

The Commission postponed its review of the minutes for the Commission's September 26<sup>th</sup> meeting.

### **AGENT'S REPORT**

- **Amendments to Town Wetland Regulations:** The Commission requested the Agent schedule a meeting of the full Commission to review Town Counsel's suggestions on amendments to the Regulations.
- **Conservation Land Management:** The Agent reported that the Commission voted to allocate \$800 to do maintenance work at Barber Reservation and adjacent to the stone walls along Mill Street and Hollis Street at Hopestill Reservation. The Agent and Mr. Dowse discussed engaging Ed Barry to perform the work. Mr. Dowse believes that \$700 for one day for Mr. Barry's services is a competitive price because his machinery is expensive to operate.

### **Discussions**

#### **Discussion #1- Whitney Farms, LLC Installation of monitoring wells for septic system and alteration of wetland**

Bob Gargano was present for this discussion as representative for Whitney Farms, LLC. The Agent reported that on 9/10/13 at a routine site visit for erosion control check with Joe Cucinatta and Paul Lavoie she noticed a planned monitoring well had been installed at wetland flag C31. She stated that the well that was drilled needed erosion controls erected prior to drilling and there should not have been alteration of the wetland resource itself. Mr. Gargano agreed that the wetland resource should not have been altered but erosion controls were install, just incorrectly and that the Agent should have been contacted to approved the erosion controls. The Agent and Mr. Gargano discussed that well at C31 is located approximately six feet from the wetlands line consistent with plan but soil spray covered an approximately eight-foot radius rather than the planned approximately three-foot radius. A conservation mix grass seed was subsequently added to the disturbed area.

Mr. Gargano noted that three observation wells for waste water treatment were drilled and 4<sup>th</sup> is not yet in place because it location is changing and Whitney Farms, LLC is requesting an amendment to the original plan with the old location.

The Agent recommended a non-punitive Enforcement Order that would require additional remediation. The additional remediation would require adding native-species bushes and raking the soil spray out of the wetlands by hand. The Agent may make further recommendations after her site visit to check three existing wells. The Agent will measure the scope of disturbance and to determine whether wetlands flag were disturbed.

Mr. Beaudry of Meridian Associates came late to the discussion but he is also a representative of Whitney Farm, LLC. He dropped of a well application related to waste water treatment and for Unit 22 – dropped off at 6pm but Agent has not yet had a chance to review and this was not on the Agenda. She suggested to the Commission this discussion be added to the October 17th Agenda. The Commission asked the Agent to review and report.

### **Discussion #2 - 44 Page Farm Road Compliant**

This discussion was postponed until all parties can be contacted.

### **Discussion #3 – 79 Western Avenue Request to Amend the Order of Conditions DEP # 283-0347**

The property owner and requester, Mr. Corrado, was present for the discussion. He stated that he is requesting to keep the existing fencing, which will be used to retain his pet dog. This fencing was constructed at some point within a wetland resource by a previous owner. Mr. Corrado offered to either remove or repair the fencing.

The Agent recommended adding in demarcation for wetlands line consisting of boulders that are approximately every three feet and in between the proposed plantings. Mr. Corrado noted he would like to repair the existing fence by removing gate door with solid chain link fence, all work would be done by hand.

Mr. Lesser moved to vote that the requested changes are minor amendments to Order of Conditions and Mr. Dowse seconded the motion and it was voted to approve 5-0.

Mr. Lesser then moved to accept the following changes to the Order of Conditions as a net improvement to the protection of the wetlands. Ms. Petit seconded the motion and it was voted to approve 5-0.

1. The Commission voted to add the new plan to the original Order of Conditions (DEP Form 5), Part I, under the heading of “General Information” in Section A, Final Approved Plans and Other Documents. This Section shall reflect the new plan, in subsection (a) with title, “Local Upgrade Approval Board of Health Plot Plan Sherborn Massachusetts”. The following titled plan shall be amended to reflect the new date of approved plans for this section, " Local Upgrade Approval Board of Health Plot Plan Sherborn Massachusetts". by J.D. Marquedant, dated August 27, 2012, revised 11/26/13, 7/24/2013 and 10/2/2013.
2. The Commission voted to add the new revision dates to the original Order of Conditions, Part II, for the Sherborn General Wetlands Bylaw, under the Findings, Section (C), " Local Upgrade Approval Board of Health Plot Plan Sherborn Massachusetts". by J.D. Marquedant, dated August 27, 2012, revised 11/26/13, 7/24/2013, and 10/2/2013.
3. The Commission voted to add the revised plan titled, " Local Upgrade Approval Board of Health Plot Plan Sherborn Massachusetts". by J.D. Marquedant, dated August 27, 2012, revised 11/26/13, 7/24/2013, and 10/2/2013 to heading Special Conditions under condition #4 & 13, and stricken Condition #6, and under Conditions #12 – add “boulders

if at least one feet in diameter and placed approximately every three feet from flag 5 south to the point which intersects existing fence line”.

4. The Commission voted to add language to original Order of Conditions, Part II, for the Sherborn General Wetlands Bylaw, under Special Conditions, Condition #12 as follows, "Wetland restoration area shall be demarcated with plantings and 1' in diameter and 3' apart (in between plantings) for the extent of the area to be restored to natural wetland. This area shall not be managed as lawn and shall be allowed to revert to natural wetland. This condition shall remain in perpetuity.

#### **Discussion #4- Discussion on moving forward with proposed forestry work at Barber Reservation with possible vote on October 17th**

Mr. Lesser opened a discussion about the proposed demonstration project of forestry management at Barber Reservation. The Agent explained that the demonstration project or pilot program would be for specific areas at Barber on the opposite side of the NSTAR easement. She noted that Commission and she would document and observe the work being completed and effects to forest post-tree removal over time. This would be to determine whether the forestry management is beneficial to the forest. The demonstration project is a component of the overall Forestry Stewardship Plan currently available on the Commission's web pages. Mr. Dowse stated that he is a proponent of a robust open discussion with the public.

#### **Mr. Dowse departed at 8:26pm with his apologies.**

Mr. Lesser and Mr. Giesen (resident) discussed the scope of the project. The Agent and Mr. Lesser explained that the proposed demonstration project would involve approximately twelve (12) acres of forested land. Ms. Ostrowski (resident) asked additional questions about the scope of the project and whether any of proposed work would occur in the wetlands. The Agent explained that state law requires that the work be performed no less than fifty (50) feet outside the wetlands. Mr. Lesser explained that the Commission is deferring to Mr. Benjamin's expertise and explained his understanding of why Mr. Benjamin believes that the proposed management activities will be beneficial. The Agent and Mr. Lesser explained that Mr. Benjamin's process is subject to the Commission's review at each stage and that Mr. Benjamin was highly recommended by representatives of local land trusts. It was brought up that this project may increase invasive species in the forest understory. The Agent explained she would monitor this and do regular management of areas to prevent this seeding of invasives. She did note that seeds from invasive plants are known to reside in the soils for years (depending on species) so a survey of invasive species would be taken prior to the beginning of the project.

Mr. Giesen queried whether all of the new developments in the Town would change the calculus of the forestry management plan. He also noted that he is not in favor of the Forestry Plan.

Ms. Ostrowski noted her appreciation for the limited scope of the project.

#### **Unscheduled Discussion taken under Conservation Lands Management Discussion and as unforeseen update on BOS meeting with regards to Wildlife Mgmt Committee possible sunset (less than 48 hours notice)**

Mr. Scott Barnard was permitted to present an unscheduled report about the Wildlife Management Committee since he had just met with the Board of Selectmen about possible sunset of Wildlife Management Committee. After a brief review of the origins of the Wildlife Management Committee, Mr. Barnard reported that the Selectmen, at a meeting held concurrent with the Commission's meeting, asked the Wildlife Management Committee to prepare and present a more comprehensive report about the proposed benefits to the Town of permitting bow hunting of deer on Town land and to return at a future meeting with such report and to be "re-chartered".

Mr. Barnard reported that the Selectmen suggested that Mr. Barnard discuss the proposed request for bow-hunting of deer on Town land with the Town Forest Committee and the Commission because each is responsible for certain of the parcels on which Mr. Barnard proposes to conduct bow-hunting of deer. Mr. Lesser stated that he would like the Selectmen to approve and join with the Commission with respect to any decision made about whether to permit bow-hunting of deer on land under the Commission's jurisdiction.

Ms. Pettit stated that she is generally opposed to hunting of the sort proposed by Mr. Barnard and his group but would endeavor to remain open-minded. Ms. Jacobson voiced public-safety and animal cruelty concerns (particularly using archery) and requested additional information about the proposed hunter licensure and screening process. Ms. Ostrowski, a resident, described finding a deer that had been wounded but not killed by an arrow and subsequently bled out in her children's sand box. She reported that she asked an "experienced hunter" to examine the dead deer in her children's sand box and the hunter told her that the hunter who wounded the deer was an "inexperienced" hunter. Mr. Lesser stated that he felt that deer population management was beneficial to open space management.

The Commission agreed that this discussion item should be added to future agenda.

#### **Discussion #5: Minutes Clerk**

This discussion was postponed until further noticed.

#### **Adjournment:**

There being no other business to attend to, Mr. Lesser moved to adjourn the meeting at 9:20 p.m. Ms. Stiller seconded the motion and it voted to pass 4-0.

Respectfully submitted,

Bridget R. Graziano  
Conservation Agent/Administrator

**Documents Presented at the October 3, 2013 Public Meeting**

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

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

- Pictures taken by the Agent on September 10, 2013 of Monitoring Well OW-2.
- Plan titled, "Whitney Farm, Sherborn, Massachusetts: by Meridian Associates, revision dates August 23, 2013 (OW-1 Location Sketch)

**Discussion #3**

- Engineering Plan titled, "Local Upgrade Approval " Board of Health Plot Plan Sherborn, Massachusetts, by J.D. Marquedant & Associates, Inc., dated 8/27/12, revised 11/26/12, 7/24/13, 10/2/13

**Discussion #4**

- Map from Barber Reservation Forestry Stewardship Plan titled, "Forest Stand Map", by Phil Benjamin of Benjamin Forestry Services, dated April 24, 2012, pg. 48
- Stand Descriptions from Barber Reservation Forestry Stewardship Plan, by Phil Benjamin of Benjamin Forestry Services, dated April 24, 2012, pg. 18-22.