

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

November 21, 2013

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members Present:** Alex Dowse, Steve Gaskin (Chair), Michael Lesser, Kelly McClintock, Andrea Stiller (at 8:17 pm), and Bridget Graziano (Conservation Agent / Administrator)

**Absent Members:** Julia Jacobson, Jessica Pettit

**Guests:** Ms. Kitty Sturgis, Mr. Mike Graham, Ms. Susan Tyler

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

**Topics added to the meeting agenda as not anticipated within 48 hours of the meeting:**

- Emergency Certification new application
- Groundwater testing near Framingham

## **Determinations**

### **12 Morse Road - Proposal to construct an addition to the existing dwelling**

Mike Graham was present to represent the applicant. The Agent presented the applicant's proposal to construct a small addition to the existing dwelling. She reported the proposed work to be within the outer buffer zone of a wetlands resource, on land that was previously altered. Due to the fact that the addition did not require a foundation, she recommended a Negative Determination (Negative 3) be issued by the Commission. Mr. McClintock moved to accept the Agent's recommendation. Mr. Gaskin seconded and it was voted to approve 4-0.

### **144 Farm Road - Proposal to demolish the existing dwelling**

No one was present to represent the applicant. The Agent presented the applicant's proposal to demolish the existing single family dwelling. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as the wetland resource was over 100 feet from the proposed work. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

**24 Russett Hill Road - Proposal to replace existing D-box**

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace the existing distribution box. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as wetland resources were over 100 feet from the limit of work for the proposed project. The Agent noted that the project falls within the estimated and priority habitat for rare, threatened, and endangered species, which may require a filing with Natural Heritage Program under the Massachusetts Endangered Species Act. She explained that the letter to the applicant will reflect this information. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0.

**16 Nason Hill Lane - Proposal to replace the existing D-box**

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace the existing D-box. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as wetland resources were not located within 100 feet of the limit of work for the proposed project. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0.

**133 Woodland Street - Proposal to install new septic system and well and to abandon old well and cesspool**

No one was present to represent the applicant. The Agent presented the applicant's proposal to install new septic system and well and to abandon an old well and cesspool. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as wetland resources were not located within 100 feet of the limit of work for the proposed project. The Agent noted that the project falls within the estimated and priority habitat for rare, threatened, and endangered species, which may require a filing with Natural Heritage Program under the Massachusetts Endangered Species Act. She explained that the letter to the applicant will reflect this information. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 4-0.

**10 Pine Hill Road - Proposal to replace existing D-box**

No one was present to represent the applicant. The Agent presented the applicant's proposal to replace the existing D-box. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as wetland resources were not located within 100 feet of the limit of work for the proposed project. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 5-0.

**87 Farm Road - Proposal to install a hot tub or spa with associated fencing**

No one was present to represent the applicant. The Agent presented the applicant's proposal to install a hot tub or spa with associated fencing. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission as wetland resources were not located within 100 feet of the limit of work for the proposed project. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 5-0.

## **25 Page Farm Road - Request for Certificate of Compliance DEP #283-152**

The Agent explained the Order of Conditions of the approved project from about 1994 for the creation of a pond. She reported that the pond was in fact constructed, but she would not be able to state whether or not the project met all conditions, as it has been 20 years since completion of the project. The Agent reviewed the pond and wetlands, and there are no erosion issues or violations; therefore, she recommended that the Commission issue a Certificate of Compliance for the Order of Conditions. Mr. Gaskin moved to grant a Certificate of Compliance. Mr. McClintock seconded and it was voted to approve 5-0.

### **Discussion #1 - Proposal for regulation amendments**

Mr. Lesser reported on his work on the Regulations. The next meeting date and time were discussed. The Commission asked the Agent to set up a poll to find the better date between Monday, December 9th and Tuesday December 10th. It was noted that the 10th is an election day and we should try to have meeting on a different evening.

The Agent reported during Town Counsel review of regulations, it was noticed that there is a line in the By-Law that is not needed and makes a larger work load for our office. An earlier similar change in the By-Law had been made and should have also been made in this section. The Commission agreed to submit Notice of Intent for a Warrant Article to remove one sentence from the Wetlands By-Law that is not needed as it is redundant and burdensome.

### **Discussion #2 - Vote Chair and Treasurer**

Mr. Lesser moved that Mr. Gaskin remain as the Chair. Mr. McClintock seconded and it was voted to approve 5-0. Mr. Gaskin moved that Mr. Lesser remain as the Treasurer. Ms. Stiller seconded and it was voted to approve 5-0.

### **Discussion #3A - Beaver Flow Chart**

The Commission agreed to set up a meeting with a member of the BOH and Conservation, the Animal Control Officer, the Chief of Police, and other town officials to get feedback on the document, jointly agree on town procedures, and develop proper documents that the public can easily understand. Ms. Tyler asked if the flow chart is different from other Massachusetts state documents. Mr. Gaskin explained that the content of the flow chart created by the Agent follows the state laws with more information on the process for better public understanding. .

### **Discussion #3B - Application for Emergency Certification**

The Agent presented a draft of an application for Emergency Certifications, which are permits issued by the Commission during emergency circumstances. The Agent reported that currently this is a verbal application process with no fee. She stated that the verbal request for this permit has become a huge problem in Sherborn. Additionally, she noted that when she asked some other towns if they had applications for permits, and they all replied "no". The Agent explained that she called the state for help, but they have no application. She stated that she was told to make her own. The form was presented to the Commission for feedback and for approval to use

immediately. This form would provide a written record of emergency work that the applicant is asking to be permitted by our Department, and whether the Board of Health has declared the problem an emergency. Mr. Lesser stated he agreed this should be used immediately to relieve stress on our department. The Commission agreed.

#### **Discussion #4 - Review information on invasive species at Barber Reservation**

The Agent reported that based on a vote of the Commission to move forward with Forestry work at Barber Reservation, she completed a survey of invasive species on the 12 acres of land proposed for thinning under the Forestry Stewardship Plan. The Agent noted that due to the late season, she cannot be 100% sure of any or all invasives that are not visible at this time of year or that have possible seeds in the ground. She noted that one area had multiflora rose, which was choking out some pine and birch trees. Mr. Lesser asked her to pull it. Overall the Agent felt the forest management work would not cause an increase in invasives, since only one spot had multiflora and the Commission could work with Sherborn Forest & Trails Association to pull and monitor.

The Agent also noted that she and Phil Benjamin had been trying for many months to get permission from NSTAR to cross its easement to do the forestry stewardship work. It was discussed whether such permission was needed under the terms of the easement.

Mr. Dowse asked to proceed with forest management at the Barber Reservation whether or not the Commission has adequate response from NSTAR on status of license agreement, as the land is under the control of Conservation and NSTAR has an easement on the towns land. Mr. Gaskin stated that the Commission should request a opinion of Town Counsel on proceeding with the work without a license agreement with NSTAR. In addition, the Commission asked the Agent to speak with Mr. Benjamin, Service Forester about whether he would do the work without the license agreement with NSTAR. There being no second of the motion, the motion fails.

The Commission asked the Agent to speak with Mr. Benjamin and Town Counsel on the matters previously discussed.

#### **Discussion #5 - Appointment of Commission member to Groundwater Protection Committee**

Mr. Lesser moved to appoint Ms. Stiller as the representative to the Groundwater Protection Committee for an unlimited term. Mr. Gaskin seconded and it was voted to approve 4-0.

#### **Discussion #6 - Groundwater testing near Framingham**

Ms. Stiller reported on her recent attendance at a Public Involvement Plan meeting in Framingham with Groundwater and Environmental Services, Inc. (GES) and representatives from the Department of Environmental Protection on the assessment of the General Chemical Corporation (GCC) release site. She stated that DEP did not plan to continue testing of private wells in Sherborn although sampling has been conducted only once and low levels of contaminants had been discovered in some of the private wells. She and Roger Demler (Water Commissioner) openly stated objections to DEP and GES to discontinuing the sampling of Sherborn wells -- more data over time, with seasonal changes is warranted. Ms. Stiller recapped GES's findings from their Data Gap Report and their proposed Phase II Scope of Work, including

sampling wetlands, waterways, and the aqueduct that runs into Sherborn are designated possible routes of migration of contaminants of concern. Some contaminants have been identified in water from the Aqueduct in exceedance of the GW-1 standards. It was discussed that the Commission would submit comments to the DEP.

### **Signing of Warrant**

1. Barber Reservation - stone walls cleared for the Conservation Trust Fund based on previous Commission vote.
2. Legal posting for hearings and membership to Association of Massachusetts Wetland Scientists

### **Approval of Meeting Minutes of 10/17/13, 11/7/13, 11/14/13**

The approval of meeting minutes was postponed until the next meeting.

### **Conservation Administrator/Agent Report**

- **Upcoming Budget Season and Advisory Comm memo**- The Agent provided the memo from Advisory about the FY 15 budget.

- **Set up next time to discuss regulations** - The Commission agreed to have special meeting or designate a regularly scheduled meeting for work on regulations. The Agent was asked to send along a doodle poll. Mr. McClintock moved to adjourn the meeting. Mr. Gaskin seconded and it was voted to adjourn 5-0.

Respectfully submitted,

Alison Browning Mitchell  
Minutes Clerk

**Documents Presented at the November 21, 2013 Public Meeting**

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

**Discussions**

**Discussion # 3A**

- Beaver Management Flow Chart

**Discussion #3B**

- Application for Beaver Conflict Resolution Permit / Emergency Certification

**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.

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