

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

January 16, 2014
Sherborn Town Hall
7:00 P.M.
Minutes of the Meeting

Members Present: Steve Gaskin (Chair), Michael Lesser, Kelly McClintock, Alex Dowse, Jessica Pettit (at 7:15 pm), Andrea Stiller (at 7:04 pm), Julia Jacobson (at 8:25 pm), and Bridget Graziano (Conservation Agent / Administrator)

Guests: Alison Bredgma, James Bredgma, Susan Tyler

Mr. Gaskin called the meeting to order at 7:00 pm. He notified the commission that Ms. Tyler would be recording the meeting.

Mr. Gaskin asked for any items not reasonably anticipated within 48 hours of the meeting. There were none.

Determinations

28 Lake Street - Proposal to construct two additions to the existing dwelling

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct two additions to the existing dwelling. She recommended a Negative Determination (Negative 1, Negative 4, Negative 6) be issued by the Commission, as there were no wetlands within 100' of the proposed additions' limit of work. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

Certificate of Compliance

52 South Main Street - Request for a Certificate of Compliance

Applicant signed a 21 day waiver and the application review will be continued to February 6, 2014.

Ms. Stiller arrived at 7:08 PM.

Approval of Meeting Minutes

Approval of Meeting Minutes of 11/21/13

Mr. McClintock moved to accept the meeting minutes. Mr. Gaskin seconded and it was voted to approve 5-0.

Approval of Meeting Minutes of 12/5/13

Mr. Gaskin moved to accept the meeting minutes. Mr. Lesser seconded and it was voted to approve 5-0.

Approval of Meeting Minutes of 12/19/13

Mr. Gaskin moved to accept the meeting minutes. Mr. McClintock seconded and it was voted to approve 5-0.

Approval of Annual Report

Mr. Gaskin moved to accept the Annual Report. Mr. McClintock seconded and it was voted to approve 5-0.

Discussions

Discussion #1 - FY15 Budget

Mr. Lesser reviewed the details of the proposed FY 15 budget and the presentation to the Board of Selectmen. He briefly discussed questions that the Accountant town form asks of all departments related to pursuing grants and collaborating with other departments on office supply purchases. Mr. Lesser noted that there are not grants for land management but the Commission will continue to look for such and that the Agent has agreed to purchase a future printer with the Planning Department.

Ms. Pettit arrived at 7:18 PM.

[The Commission moved to the BOS meeting 7:26 PM for discussion on FY 15 budget, as scheduled on the BOS Agenda.]

Discussion #2 - Meeting with the Board Of Selectmen (BOS) on FY15 Budget and Warrant Article at Selectmen's meeting

As requested by the BOS, Mr. Lesser gave an overview of the work of the Commission. He explained the role of the Commission is in administration and enforcement of the state and local regulations for wetlands protection as well as the maintenance/management of conservation land. The Commission also works with other groups in town and is planning to collaborate with a graduate school to have the school complete an ecological study of Barber Reservation.

Mr. Lesser presented the budget and answered questions about components of the budget. Specifically, he explained how the Commission originally (in 2008) hired the Agent at a lower hourly rate (10% below the market rate) on the premise that as she gained knowledge and expertise in the state and local law the Commission would increase her salary to the approved Personnel Board level. The FY 15 budget includes a COLA plus 1% increase to make her pay more commensurate with an agent of her experience and professional training. The gap between the Agent's pay and the market rate is narrower than it was, but her pay is still less than other similar positions and the approved level. That morning the Personnel Board approved the process of closing the gap and approved the current proposed FY 15 budget with the additional 1% increase above the 1% COLA. The budget also includes funds for land maintenance, labor costs for a minutes clerk, postage for filing paperwork, and office supplies.

Mr. Caruso asked when the salary gap would be closed and the process of gradual increase in salary would be over. Mr. Lesser explained that, due to fiscal constraints, while the current plan has an end date, it is still a few years in the future as presented annually.

Mr. Caruso asked about the fee structures and if half of the Agent's salary was covered by fees for this fiscal year- a previous goal for the budget. Mr. Lesser explained that town projects do not pay fees and some fees are occasionally waived. He also explained that the full amount of fees fluctuates from year to year. Therefore the fees do not always cover half of the salary for the Agent but are projected to this year and came very close last year.

Mr. Lesser commented that the town does have a lot of land under conservation and that the private drinking water wells and septic systems make it especially important to have sufficient staff oversight. He added that the Agent has been able to secure other sources of funding to supplement funds for the town for land management.

Mr. DeRensis stated that the Commission oversees a lot and that this work costs money. He commented that the budget seems very reasonable. He stated that boards and committees should have professional staff so that the public can have confidence in their standards. He cited hiring the Town Administrator as an example. He said he would support the salary structure for the Agent, stating that the support for the position, in addition to the approval of the Personnel Board this morning, is a convincing argument. He mentioned that the budget was relatively small and that he didn't see anything wrong with the proposed budget.

Mr. Caruso noted that the current meeting was not to approve budgets because the BOS does not yet have the full picture of all town budgets. He also stated that the BOS is not interested in changing anything in the Commission's budget, even if things needed to be shuffled somewhat as all the town budgets are considered.

Mr. Lesser expressed his appreciation for the BOS's positive feedback on the proposed budget.

Ms. Tyler stated that she had also attended the Personnel Board meeting and that they had also asked when the Agent's incremental salary increase would end. She noted that she questioned at the Personnel Board meeting as to whether a town employee can work from home and what hours the Agent was working. Ms. Tyler said that the Personnel Board approved 28 hours per week in 2008 and that they haven't approved an increase in hours since then. She asked about the increase in pay, stating that the pay has increase 6.5% since the initial hire amount.

Mr. Caruso thanked Ms. Tyler for her input and stated that he was glad that the Personnel Board was overseeing all these details. He mentioned that he wasn't going to worry about the number hours worked each week, as she is salaried and it is up to the Commission to oversee her hours worked.

Mr. Lesser stated that the job has been approved for 36 hours per week by the Personnel Board from the initial hire date in 2008 and that her current and proposed hourly salary is still below the Board approved level.

Mr. Caruso mentioned that, as all factors are taken into consideration, the topics raised by Ms. Tyler are not the focus of the current budget discussion.

Warrant Article

The Agent asked about waiving the attorney client privilege for emails sent to the Commission and the Agent.

Mr. DeRensis explained that, as a Town Counsel himself, he would prefer to write a statement ready for public distribution rather than release email correspondence to the public. He suggested asking Town Counsel to prepare a statement that could fulfil the same purpose.

Mr. Lesser asked if there is a formal way to request this statement.

Mr. Caruso said that explaining the situation to Town Counsel would enable her to write the statement the Commission needs.

The Agent presented the Warrant Article to the BOS. This change would eliminate redundant notice given to abutters by the Commission because the Applicant is already required under state laws to notify abutters.

Mr. Lesser explained that the language was changed last year earlier in the document, but it wasn't changed in this place as well. Mr. Gaskin explained that the Applicant is required to notify abutters in order to open a hearing.

Mr. Caruso summarized the process by stating that everyone who needs to know gets to know, but that the Commission would not have to notify people a duplicate time. He mentioned that he is in favor of eliminating redundant notifications. Mr. Lesser confirmed that this was an accurate summary.

Mr. DeRensis expressed his appreciation for the explanation of the process.

Mr. Caruso thanked the Commission for coming and encouraged all members to keep up the good work they are doing.

Mr. Lesser thanked the BOS.

[The Commission returned to the Conservation Commission meeting room at 8:15 PM.]

Ms. Tyler did not return to continue to record the meeting at 8:15 PM.

Ms. Jacobson arrived at 8:18 PM.

Discussion #3 - 237 Washington Street new information submitted

The Agent reported that she originally notified the Commission that Mr. Alex Hurt the property owner of 237 Washington Street called the Conservation Office to give notice that lead was reportedly found in soil concentrations above the reportable concentrations for residential property. Now, the data reports for testing of the soils have been submitted to the office for review. The property owners and consultants reportedly plan to report the conditions to MA DEP and prepare a release Abatement Measure Plan under the Massachusetts Contingency Plan to address the lead in soil. They will have five years to work through the process but will have phase of reports that will require filing in the interim. They have 120 days to report to the DEP and will have deadlines to meet for the phases of the MCP until the site is closed out. The Commission had asked for more groundwater analysis to be done and for sampling sites in and near the wetlands and this has not been done or has not been submitted to the Commission as of yet. The Commission agreed to check on the process to make sure the 120-day deadline for reporting to the DEP is met.

Discussion #4 - Sherborn Wetlands Regulations and Bylaw Review

The revision of the Regulations will be done in two phases. The first phase will be to bring the Regulations into compliance with town Bylaw through smaller changes. The second phase will be to work on more substantive changes to the content. The first phase will be done at the Public Hearing on Thursday, February 6, 2014. The second phase topics can be scheduled at that time.

Signing of Warrant

- Mailing of permits
- MACC

Conservation Administrator/Agent Report

- **Conservation land maintenance** - Not discussed.
- **Possibility of Sledding Hills at Barber Reservation** – The Commission will ask the Conway School to look at this possibility under the Ecological Study.
- **Removal of Trees at Barber Reservation along NSTAR Transmission line** – The Agent reported that NSTAR is requesting the Commission allow the removal of 8 white pine (*Pinus strobus*) trees along the easement but on Conservation lands. The Commission agreed that they at this time will not allow the removal until more information is provided. It was noted that the Commission is still waiting to hear from NSTAR about permission to cross under the power lines for the Forestry Plan. The Agent noted that the license agreement sent to the Commission by NSTAR requires some insurance that the town does not carry. The Agent was asked to follow up with Town Counsel on this matter.
- **Beaver Permitting/Activity** – The Commission discussed the possibility of holding a meeting to discuss the procedures and the permitting process. It was noted that the Board of Health needs to review all permits initially and that the Animal Control Officer also has a role to play in the process. The Commission discussed how to help residents without incurring a liability to the town and what to do when a resident is non-responsive and the beaver activity is a risk to public land or wetlands.

Mr. Lesser moved to adjourn the meeting. Mr. Gaskin seconded and it was voted to approve 7-0. The meeting was adjourned at 8:55 pm.

Respectfully submitted,

Alison Browning Mitchell
Minutes Clerk

Documents Presented at the January 16, 2014 Public Meeting

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

Discussions**Discussion #2 - Meeting with the BOS on FY15 Budget and Warrant Article at Selectmen's meeting**

- Memorandum titled, "Conservation Commission FY15 Proposed Budget for Property / Land Maintenance," dated January 7, 2014
- Town of Sherborn Budget Form 1, Form 2, Form 3, Form 4, dated December 31, 2013
- Warrant Article

Discussion #3 - 237 Washington Street new information submitted

- Table titled, "Soil Sample Analytical Data Summary," with two sampling dates of October 2, 2013
- Map titled, "Sample Location Plan," dated November 2013 by 21 Environmental, Inc., Framingham

Discussion #4 - Sherborn Wetlands Regulations and Bylaw Review**Warrant**

- Mailing of permits
- MACC

Approval of Meeting Minutes

- Meeting Minutes of 11/21/13
- Meeting Minutes of 12/5/13
- Meeting Minutes of 12/19/13

Approval of Annual Report

- Conservation Commission Annual Report for 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