

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

March 20, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin, Michael Lesser, Kelly McClintock, Jessica Pettit, Andrea Stiller (at 7:05 pm), and Bridget Graziano (Conservation Agent / Administrator)

Absent Members: Alex Dowse, Julia Jacobson

Guests: Rick Antell, Peter Black, Reid Blule, Sheila Bresnehan, Christine Cooney, Laura Dailey, Annette Domey, William Domey, Jason Frigiani, Jonathan Masters, Mark Mastroianni, Mickey Marcus, Rashel Masters, Jim Murphy, Marian Neutra, Peggy Novak, Cindy Ostrowski, Ellen Patterson, Kitty Sturgis, Susan Tyler, Ed Wagner, Susie Wheelwright, Michael Winters, Jo Ann Wong, Ted Wong, Paul Hartnett

Mr. Gaskin called the meeting to order at 7:04 pm.

Mr. Gaskin asked for any items not reasonably anticipated within 48 hours of the meeting.

The Administrator/Agent asked to add Farm Pond stormwater planting was added to the Agenda, the Commission agreed.

Ms. Stiller arrived at 7:05 pm

Determinations

12 Ames Drive - Proposal to install a replacement septic system

No one was present to represent the applicant. The Agent presented the proposal to install a replacement septic system. The Agent noted that there is a wetland resource within 105 feet of the proposed septic system. Therefore the Agent recommended a Negative Determination (Negative 1, Negative 4, Negative 6). Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 5-0.

Mr. Gaskin notified the Commission that Ms. Tyler would be recording the meeting as of 7:22 pm.

Certificate of Compliance**52 South Main Street - Request for Certificate of Compliance (continued from 1/16/14 & 2/6/14, 2/20/14, 3/6/14)**

The applicant requested for this request to be continued to the next meeting on April 3rd.

Approval of Meeting Minutes of 1/16/14

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

Approval of Meeting Minutes of 2/6/14

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

Approval of Meeting Minutes of 2/20/14

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

Public Hearings**Public Hearing #1 - Amendments to the Sherborn Wetlands Regulations****Mr. Gaskin opened the hearing at 7:30 PM.**

Mr. Lesser reported that Mr. Dowse submitted a number of changes for consideration. Mr. Lesser stated that these proposed changes are more substantial than the 'housekeeping' changes that were to be the target of this round of regulatory changes. Mr. Lesser suggested postponing discussing Mr. Dowse's and other substantive changes until the next discussions and Public Hearing. Mr. Lesser clarified that the version of the Regulation changes being discussed were the copy dated March 1, 2014. These changes were based on previous meeting discussions that focused on making clarifications, consistency with the By-Law and any corrections.

Ms. Tyler asked about the definition of vernal pools. Mr. Lesser stated that the Regulations do not address vernal pools separately from other wetland resources and that the Regulations are consistent with those of the State.

Ms. Tyler asked about the notice of the Public Hearings as well as about the submission of RDAs, notices to abutters about Notices of Intent, and Certificates of Compliance. It was stated that these components of the Regulations are in compliance with State Regulations. There was discussion of the general issue of how much to simply defer to and/or reference the State Regulations instead of reiterating them. It was noted that some selective repetition of State

Regulations is being done when helpful to residents but there is no simple way to decide when to do so.

Ms. Stiller suggested changing the definition of 'fill' in Section 10.1 to include asbestos, but this was decided to be substantive and beyond the simpler changes being made.

Mr. Gaskin moved to close the hearing. Mr. Lesser seconded and it was voted to approve 5-0.

Mr. Gaskin moved to accept the edits to the Regulations from March 1st. Ms. Pettit seconded and it was voted to approve 5-0.

Substantive changes to the Regulations will be discussed at the April 17th meeting.

Discussions

Discussion #1 - Request by CM&D to replace culvert at Goulding Street

Mr. Wagner was present to explain the request to replace the culvert at Goulding Street. He reported that the current culvert on Goulding Street over Sewell Brook is collapsing and that the proposed culvert is a replacement in kind. The culvert would have a natural bottom or no bottom to it. The box culvert would prevent a future dip in the road, unlike a previous replacement culvert which did create a depression in the street. The Agent requested a written plan be submitted to the Commission before it decides upon requiring a NOI. This item will be added to the April 3rd Agenda. Mr. Gaskin moved that this should fall under the General Order of Conditions as long as the replacement is in-kind and there is no expansion of the current size. Ms. Pettit seconded and it was voted to approve 5-0.

Discussion #2 – Pulte Homes presentation of proposed development on Maple Street and proposal for emergency access

Mr. Gaskin explained that the role of the Commission is to listen to the proposal and that it would not provide an opinion about the proposal at this time since there is no application before the Commission. Mr. McClintock stated that the Commission will only respond formally to a documented proposal, including details, from the Applicant.

Mr. Black, a resident asked if Sherborn has any areas where rare or endangered species live. Mr. Gaskin explained that these areas are designated by the State's Natural Heritage Program.

Mr. Mastronianni presented details about the possible development from Pulte Homes of New England. Mr. Blule of Pulte Homes was present as well as Mr. Marcus, who has been hired as a wetlands advisor to the project.

Mr. Mastronianni explained that his presentation is to give an update on the project. He noted that the 88 acres at 90 Maple Street have access off of Maple Street. He stated that they are in the process of requesting a zoning change from Residential to EA for the purpose of elderly housing. At least one member of each household would need to be 55 or over. He stated that

Abbreviated Notice of Resource Area Delineation (ANRAD) is the process by which the wetlands in the area will be delineated and a line would eventually be approved by the Commission, and this would be filed before a proposed project would be submitted to the Commission.

The property does have a large wetland area in the middle of the site. Mr. Mastronianni stated that the building plans have changed to cluster the homes and provide more contiguous open space. The plans include at this time one wetland crossing, and Pulte is proposing 66 housing units. The goal is to keep the work more than 100 feet away from the wetlands area. If the rezoning is approved, they would come back to the Commission with a proposal.

There is a request to create a second means of access to the community. There are three alternatives for an emergency access route.

1. Access off the end of the proposed cul-de-sac, which would cross town conservation land and connect to McGregor Drive, which would need Conservation Commission and other approvals.
2. Access from Wildwood Drive, which would cross an abutting property
3. Access from Maple Drive, which would follow an existing farm road and require wetlands crossings, and would involve widening the existing road to meet the minimum requirements for an emergency access

Mr. Lesser stated that it was his understanding that a secondary access is not required by law, but that the town can require it for emergency purposes and it has been requested by other town departments.

Ms. Stiller asked about the results from percolation testing. Mr. Mastronianni stated that a lot of the tests were good, some of them were bad, and that more testing is required. The water supply would be a community well. Under the DEP, a zone of influence would not be developed.

Ms. Stiller asked if the plan would include grade changes in the landscape and if there was any ledge found on the property. Mr. Mastronianni stated that there would be a cut to bring down some of the hill and raise up another area of the site. There has been ledge found on the site as well as many large boulders.

The Agent asked if the wetland line has changed since it seemed that a new firm has been hired. Mr. Marcus reported that it has not.

Ms. Novack, a resident, asked about the grade changes and then inquired about blasting. She also asked if there would be a retaining wall and, if so, what material it would be. Mr. Mastronianni explained that the slope would be a 1 foot vertical rise over 2 horizontal feet and that the area would be covered with grass. The wall would be 10 to 15 feet at its highest point.

Mr. Frigiani, resident, stated that the proposed access through Conservation Land would require a unanimous vote of the entire Conservation Commission, under Article 97 and would most likely be a conversion of the land from open space to private use and would require approval by state legislature. In his opinion, this change would not be an enhancement of the trail system.

Ms. Neutra, a resident, stated that the only proposed emergency access route that would meet the requirements of the Police Department and the Fire Department is the one that connects to McGregor Drive. She mentioned that the wetland area is very wet and that it is the headwaters of the Course Brook River, which flows into the Sudbury River. She asked about mitigation plans to prevent pollution of these waters. Mr. Mastronianni stated that there is no plan for this yet, but that one would be formulated in compliance with the Board of Health.

Mr. Paul Hartnett of 99 Maple Street stated that one of the proposed roads was changed from one side of an existing road to the other. He stated the new location has a greater impact upon wetlands and that the previous location is more passable.

Ms. Wheelwright, a resident, said that the new emergency access road to Pine Hill has had difficulty with erosion.

Mr. Black, a resident, stated that 66 units are planned, each with two-car garages, and two parking spaces outside. He asked what considerations were made for this volume of traffic across the wetlands. He also commented that the Commission has the responsibility to protect the surrounding ecosystem.

Mr. Marcus stated that it is a wet area and that any road crossing would have to meet the specification of stream crossing guidelines. He mentioned the plans would need to be approved by both the Planning Board and the Commission.

Mr. Black, a resident, asked if Mr. Marcus agreed that more vehicle use has a greater impact upon the ecosystem. Mr. Marcus stated that the full plans haven't been completed yet and that this would be taken into consideration.

Mr. Antell, a resident, added that the straight area of the road doesn't look very wet.

Mr. Wong, a resident, stated that if the zone changes to a 40 B, the Commission will still have jurisdiction even if some of the regulations are different. Mr. McClintock mentioned that the state regulations governing 40 B zoning supersede Sherborn's regulations, but that the Commission would still be involved.

The Agent asked about how stormwater would be accommodated. If there is a lot of ledge, stormwater retention areas would need to be planned, possibly in locations within the Commission's jurisdiction. Mr. Mastroianni stated that the plan is very responsible environmentally. He added that the many requirements are known, but these details of the plan are not available because the planning is not at that stage yet.

Mr. Gaskin thanked all guests.

Discussion #3 - Forestry Stewardship Grant Project status

Mr. McClintock provided an update on the possible grant for forestry work at Barber

Reservation. Mr. McClintock and the Agent have been working on the draft and will bring it before the Commission for approval at the next meeting for review by the Commission as it will need to be submitted in April of 2014.

Discussion #4 - Funding plantings at Farm Pond for stormwater under land maintenance budget

Jeanne Gutherie, who is overseeing the stormwater project at Farm Pond, has asked if the Commission could assist in funding plantings for the stormwater grant. It is a matching grant and the Town stills needs to spend its portion of the grant. She has asked for \$350 to add plantings to the stormwater management areas. The Agent explained that some plantings within rain gardens did not survive, one rain garden was not finished correctly (Eagle Scout is working on it), and other grass swales were never planted with grasses. All areas need new plantings and/or grasses. She noted that she did a complete evaluation of the site according to the Operations and Maintenance Plans and the Order of Conditions for this work. New plantings were purposed. Ms. Wheelwright suggested asking the Bogastow Garden Club for funding, if it is needed. Mr. Lesser moved to spend \$350 from the budget to match other funds if they can be secured. Mr. McClintock seconded and it was voted to approve 5-0.

Discussion #5 - Vote to have Town Counsel Review the Land Management MOU for Hopestill Reservation

Mr. McClintock reported that Ms. Jacobson said that if this functions as an agreement, without constituting a contract, then it could work. Mr. McClintock moved that the Hopestill MOU be reviewed by Town Counsel. Mr. Gaskin seconded and it was voted to approve 5-0.

Signing of Warrant - The Chairman signed the warrant.

Conservation Administrator/Agent Report

- **Conservation land maintenance**

The Agent reported on a site visit to Brush Hill Road trail system. Flooding in the area was brought to the attention of the Agent by a resident and the Commission was invited for a site visit. The visit occurred on March 19th. The topic of a culvert under the road was discussed as well as if it would qualify for an agricultural exemption and this area could be restored with no effect on the wetland resource.

- **FY 15 Budget Meeting with Advisory/BOS**

The budget was approved by the BOS as part of their larger budget. They asked for some clarification related to the warrant article on the amendment to the bylaw. Mr. Lesser and the Agent agreed to work on this.

- **Dover Sherborn High School award application**

The Commission has been asked to draft the application for an environmental award. Mr. Gaskin, Ms. Pettit and the Agent agreed to work on creating the application.

- **Progress with NSTAR on Forestry Plan at Barber Reservation**

The Agent reported on the Forestry Plan and the work with Town Counsel. She noted that it seems that NSTAR believes there will be alteration to the access road while our forester does not believe there will be. If there is an alteration to the easement/access road, then a License Agreement would need to be drafted and signed. If there is no alteration, then no agreement is needed. This was the Agent's understanding.

Mr. McClintock moved to adjourn the meeting. Mr. Gaskin seconded and it was voted to approve 5-0. The meeting was adjourned at 9:23 pm.

Respectfully submitted,

Alison Browning Mitchell
Minutes Clerk

Documents Presented at the March 20, 2014 Public Meeting

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

Determinations**12 Ames Drive - Proposal to install a replacement septic system**

- Plans titled, " " by , dated

Certificate of Compliance**52 South Main Street**

- Email from David K. Kertzman, Esquire, of Kertzman & Weil, LLP, dated February 19, 2013
- Request for Certificate of Compliance, DEP #283-142

Public Hearings**Public Hearing #1**

Sherborn Wetlands Regulations, with proposed changes, dated, March 1, 2014

Discussions**Discussion #1 - Request by CM&D to replace culvert at Goulding Street**

- CM&D Town Maintenance, Order of Conditions, DEP 283-0332
- Order of Conditions, Findings and Special Conditions, dated January 5, 2012
- Notes titled, "Culvert Replacement", dated March 1, 2014
- Diagram titled, "Design of Stream Crossings for Flood Resiliency and Wildlife Passage Range of Alternatives," by David Nyman of Comprehensive Environmental, Inc.

Discussion #2 – Pulte Homes presentation of proposed development on Maple Street and proposal for emergency access

- Letter from Mark Mastroianni, Land Entitlement Manager of Pulte Homes of New England, dated February 24, 2014
- Letter from Cindy Ostrowski to the Planning Board, submitted to the Conservation Commission on February 6, 2014
- Letter from The Law Offices of James W. Murphy, dated March 13, 2014
- Map, titled "Map 6," by Harvard Design and Mapping Company
- Conveyance letter of 26 McGregor Drive, BK21289 PG573, dated July 11, 1991
- Quitclaim Deed of 20 McGregor Drive, BK27893 PG249, dated November 3, 1997
- Deed for Conservation Parcel, BK11930PG22, P750, dated February 27, 1970
- Town Article 48 (Motion Carried Unanimously), "To see if the Town will vote to transfer from the custody of the Selectmen to the care and custody of the Conservation Commission the following parcels of property," page 91, dated

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