

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

April 3, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Alex Dowse, Steve Gaskin, Julia Jacobson (via phone until 8:54 pm), Michael Lesser, Kelly McClintock, Jessica Pettit (at 7:06 pm), and Bridget Graziano (Conservation Agent / Administrator)

Absent Members: Andrea Stiller

Guests: Peggy Novak, Joyce Hastings, Desheng Wang, Ben Stevens, George Shea, Kitty Sturgis, Susan Tyler, Carole Marple

Mr. Gaskin called the meeting to order at 7:02 pm.

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

Determinations

32 Pleasant Street - Proposal to construct a new single family addition

No one was present to represent the applicant. The Agent presented the applicant's proposal to construct a single family addition. The Agent recommended a Negative Determination (Negative 1, Negative 4, Negative 6). Originally access was proposed within 100' buffer zone; however, the contractor submitted a statement that portions of the driveway within the buffer zone will not be used. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0-1, Ms. Jacobson abstaining.

247 Washington Street - Proposal for soil testing

Ben Stevens, the applicant, was present and Mr. Wang, his representative. Mr. Wang presented a map of existing features of plots 88B and 88C, which were subdivided off of the existing lot with the address of 247 Washington Street. He explained that his client would like to do percolation

testing. The Agent recommended a Negative Determination (Negative 1, Negative 4, Negative 6) for soil testing only, as other portions of the lot have wetland resources and the location of the development is still unknown. Mr. Gaskin moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 4-0-1, Ms. Jacobson abstaining.

36 Parks Drive - Proposal for soil testing

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing. She noted that the proposed testing location was determined to be approximately 20' from a wetland resource. However, because the testing was proposed within existing lawn, the Agent recommended a Negative Determination (Negative 3) with conditions. Mr. Gaskin moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0-2, Ms. Jacobson and Ms. Pettit abstaining.

Lake Street Map 3 Lot 69 F - Proposal for soil testing

No one was present to represent the applicant. The Agent presented the applicant's proposal for soil testing on a lot with no dwelling. She noted there is an intermittent stream on the adjacent property; however, the proposed testing site was over 100' from the intermittent stream. Therefore, the Agent recommended a Negative Determination (Negative 1, Negative 4, Negative 6) for soil testing only. Mr. Gaskin moved to accept the Agent's recommendation. Ms. Pettit seconded and it was voted to approve 5-0-1, Ms. Jacobson abstaining.

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, 3/20/14)

The Agent reported that she has not heard back from the property owner and this would be continued until they contact the Commission. Therefore, it was continued to the next meeting of April 17th.

Approval of Meeting Minutes of 3/6/14

Mr. McClintock moved to accept the minutes as amended. Mr. Dowse seconded and it was voted to approve 5-0-1, Ms. Jacobson abstaining.

Public Hearings

Public Hearing #1 – 12 Oldfield Drive proposal to install an in-ground swimming pool and associated fencing

Ms. Joyce Hastings was present to represent the applicant. Ms. Hastings presented the proposal for the installation of an in-ground swimming pool. The Agent asked the following questions; (1) stockpiling locations, (2) tree removal, (3) and plantings for mitigation. Ms. Hastings noted that four additional plants will be added to an area of landscaping that will protect the wetlands

in the area. No stockpiling will be done on site and materials will be used on site or removed immediately from the site. The Agent confirmed that the pool will use a salt water chlorination system. She agreed that the winter draw down of water will reduce the depth of the pool by 1 to 6 inches can be done by pumping the water outside of the 100' buffer zone, but for any other removal of pool water it must be pumped out by a pump truck, and this will be added as a condition of the Order. Mr. Gaskin moved to close the public hearing. Mr. Lesser seconded and it was voted to close 5-0-1, Ms. Jacobson abstaining. Mr. Gaskin moved to approve the proposal with amendments to the plan discussed at the meeting and special conditions set forth at the hearing. Mr. McClintock seconded and it was voted to approve 5-0-1, Ms. Jacobson abstaining.

Discussions

Discussion #1 – COA discussion about Pulte Development

Ms. Breshnehan, the chair of the Council on Aging, reported its support of the proposed project by Pulte. She explained that the developers changed their designs based upon feedback from the COA. Specific changes cited were a lower price point, smaller homes, and backyards facing outward. The COA conducted a survey of its members and found a 70% approval rating for additional over-55 housing in town. The COA held a forum on April 7th in which questions were submitted on cards and asked by a moderator to representatives from Pulte Homes.

One member of the COA told the Commission that the town's search for additional revenue, to slow the increase in taxes, is of particular concern to the elderly. Another member asked if Pulte has committed to keeping the same amount of trails for walking and riding. Mr. Dowse stated that it was his understanding that 40% would be developed and 60% would be open space or otherwise undeveloped. He added that it would be helpful if the development project would be financially responsible for the maintenance of the open spaces. Access to the public is important to the town, said Mr. Dowse; however, he stated that turning over the maintenance of the land to the town is not possible at this time. He said that the town can't maintain more land than it already does.

Mr. McClintock asked if it is possible to sell 66 units to this demographic during a short period of time. A member of the COA responded that Pulte has done demographic research and has said the properties will sell quickly. The member mentioned Natick as a possible comparison.

Ms. Jacobson stated that Natick is not a good comparison to Sherborn for this type of research. The COA member stated that Pulte did not report using Natick as a comparison, but that an external firm did the marketing research. Ms. Jacobson asked what properties were used in the comparison research. This information was unknown to members of the COA.

Mr. Lesser stated that without the specifics of the proposal, the Commission cannot comment or take any action on the project. He added that it appeared that Pulte has dropped the option to have an emergency access road that connects to McGregor Drive.

Mr. McClintock stated that it would be helpful to have one of the Commission members present at the next COA forum. Mr. Lesser stated that he is interested in the site plan and the

hydrological impacts of the development.

Ms. Novak asked about the Commission's jurisdiction in the area. Separate from Commission wetland jurisdiction, the Agent stated that any project over 1 acre is required to file permits for stormwater with the state and under our local bylaws. In addition, depending on the amount of wetlands alterations applicants need to file with DEP for a 401 Water Quality and 404 Clean Water Act. Depending upon details of the project, the developers may have to file with the Army Corps of Engineers.

Mr. Lesser noted that there are a range of issues regarding this development but only some are within the jurisdiction of the Commission.

Members of the COA invited the Commission to the next discussion with Pulte on April 7th. The format will be similar to a previous meeting in which there were no open comments. Instead questions will be submitted on index cards and read aloud.

Mr. Gaskin stated that the Commission cannot comment or rule on the development at this time. He expressed his appreciation of COA for all they do for the elderly in the town.

Discussion #2 – Governance Task Force Committees article on the proposed revised Town Administrator's job description as it appears on the warrant for FY 15 Town Meeting presentation by Kitty Sturgis Chr. of Sherborn Governance Task Force

Ms. Sturgis reported that the changes proposed Town Administrator's job description would make him or her responsible for hiring the Agent of the Commission as well as other paid positions in town which fall under the Board of Selectmen's Office. This Article will provide the Town Administrator with more responsibility and involvement in the town departments.

The topic of who will have the final decision in the hiring process was discussed. If the Town Administrator and the Commission are in agreement concerning applicants for the job of the Agent (and other matters of joint responsibilities), the process will be a smooth one. Discussion centered on what would happen if the two groups had a difference of opinion. While collaborative decision making is a good method and an ideal, the question was raised as to what process will be put in place to handle a disagreement between the two.

Mr. Lesser stated that for better working relations that some joint or mutual agreement regarding the hiring of the Agent. This could be some sort of veto power by either party.

Mr. Dowse stated that he doesn't think the proposed Article would change anything from the past.

Mr. Shea stated that the person with the ability to hire or fire an individual would be the Town Administrator.

Mr. Lesser asked about what recourse the Commission has, according to the Article, if the Town Administrator wants to hire someone the Commission does not want to have as the Agent.

Ms. Jacobson stated that there can only be one final decision maker and that she thinks there are other ways to accomplish the goal of the Task Force to find and keep a good Town Administrator.

Mr. Lesser stated that he is considering the 'worst case scenario' in the discussion of this policy.

Ms. Jacobson stated that the upmost goal of the Commission is to protect the wetlands. She asked if there was any proposed language of the Article that was on the table for discussion.

Mr. Dowse stated that he would like to focus on the 'best case scenario' and that he doesn't think the proposed Article would change anything.

Ms. Jacobson asked if this change was a plan that would be a disincentive to a future Agent or Commission members.

Mr. Lesser asked for confirmation from the task force that they were not willing to change the proposed warrant article. Mr. Shea confirmed he would not support any change of language.

Discussion #3 – Ed Wagner presentation to the Commission for Culvert Replacement on Goulding Street

This discussion will be continued to the next meeting on April 17th.

Discussion #4 – Ward Park Proposal for new playground by Sean Killeen

Mr. Killeen was present to discuss the upcoming proposed project to complete a much-needed renovation of the Ward Park playground. He noted that a fundraising group will be gathering money to rebuild Ward Park. The goal is \$200,000 for the project. Mr. Killeen asked for approval for the playground and to work in the buffer zone of the nearby wetland. The Commission was positive about the project, but stated that it could not give any advice or concrete answers before a formal plan is submitted. It was noted that work within the existing footprint this would be work in altered buffer zone. The Commission thanked Mr. Killeen for coming to the Commission with this project for a pre-planning discussion.

Discussion #5 – Presentation for Forestry Community Grant Review and vote

The Forestry Community Grant was reviewed by the Commission. It was determined this would be reviewed by the Agent and Mr. McClintock, finalized and sent out to members for a vote at the next meeting.

Signing of Warrant -n/a

Ms. Jacobson's call was dropped approximately 9:00PM

Conservation Administrator/Agent Report

- **Conservation land maintenance** - not discussed
- **FY 15 Budget Meeting with Advisory/BOS** -Mr. Lesser reported the Budget was approved by Advisory Committee.
- **Warrant Article Town Meeting 2014** -The Commission will withdraw the Warrant Article because it has found another way to comply with State Regulations.
- **Date/time for Pam Merrill to discuss wetland reforms** - Ms. Merrill has a 45 minute presentation related to the DEP Circuit Writer. The Commission will find a time in May to meet and hear her presentation.

Mr. Gaskin moved to adjourn the meeting. Mr. McClintock seconded and it was voted to approve 5-0. The meeting was adjourned at 9:16 pm.

Respectfully submitted,

Alison Browning Mitchell
Minutes Clerk

Documents Presented at the April 3, 2014 Public Meeting

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

Determinations**247 Washington Street - Proposal for soil testing**

- Plans titled, " " by , dated

Public Hearings**Public Hearing #1 - 12 Oldfield Drive proposal to install an in-ground swimming pool and associated fencing**

- Plans titled, "Notice of Intent to Install an Inground Pool at 12 Oldfield Drive, Sherborn, MA" by GLM Engineering Consultants, Inc., dated March 4, 2014
- Memo from Agent to Conservation Commission, dated April 3, 2014

Discussions**Discussion #1 - COA discussion about Pulte Development**

- 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

Discussion #2 - Governance Task Force Committees article on the proposed revised Town Administrator's job description as it appears on the warrant for FY 15 Town Meeting presentation by Kitty Sturgis Chr. of Sherborn Governance Task Force**Discussion #3 - Ed Wagner presentation to the Commission for Culvert Replacement on 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 #5- Presentation for Forestry Community Grant Review and vote

- Massachusetts DCR Community Forest Stewardship Grant Application and Final Grant Report

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