

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

April 22, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members Present:** Michael Lesser (acting chair), Kelly McClintock, Jessica Pettit, Alex Dowse and Bridget Graziano (Conservation Agent / Administrator)

**Absent Members:** Steve Gaskin, Andrea Stiller

**Guests:** Kevin and Jennifer Rheaume, Ann Peters and Tony Hotz, Stephen and Susan O' Brien, Russ Burke, Jim Murphy, and Kitty Sturgis

Mr. Lesser called the meeting to order at 7:05 pm.

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

## **Determinations**

### **105 Eliot Street - Proposal to install perimeter fencing -**

Mr. and Mrs. Rheaume were present as the applicants and Ms. Peters and Mr. Hotz were present as the property owners. The Agent presented the applicants' proposal to install perimeter fencing within altered buffer zone that is lawn. She noted that the installation of perimeter fencing would not cause a significant alteration to the wetland resource or any interest of the Wetlands Protection Act or local By-Law provided that an opening for wildlife was allowed at the bottom of fencing, approximately 6" - 12" in height. The Agent asked if any vegetation would be removed as one portion where fencing was proposed for placement seemed to be in line with a Pinus strobus and this tree would need to be removed. Mr. Rheaume knew the location that the Agent was referring to and stated that the fencing company assured him this tree would not be removed, and if necessary fencing will be moved away from this tree. Mr. Dowse moved to issue a Negative 3 Determination with the special conditions for installation set forth at this hearing and by the Agent for the protection of the wetland resource. Mr. McClintock seconded and it was moved to approve 4-0.

**56 South Main Street- Proposal to perform soil testing and installation of replacement septic system**

No one was present to represent the applicant. The Agent presented the proposal for soil testing and the installation of the replacement septic system. The Agent reported wetlands resources in the rear portion of the house that were greater than 100 feet from the proposed project. She recommended issuing a Negative Determination for soil testing and system installation with the condition that the final as-built plan is provided to the Commission and it shows that all work was outside the Commission's jurisdiction. Ms. Pettit move to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

**19 Sawin Street - Proposal to perform soil testing only**

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing and install a septic system. She noted that a wetland resource more than 100 feet from the limit of work was discovered during her site visit and therefore recommends issuance of a Negative 1, 4, 6 Determination for soil testing only, since it is not clear the entire system will be outside the Commission's jurisdiction. Mr. Lesser moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0.

**22 Curve Street - Proposal to perform soil testing and installation of septic system**

No one was present to represent the applicant. The Agent presented the applicant's proposal to perform soil testing and install a replacement septic system. She reported that no wetland resources were found within 100' of the proposed septic system. Therefore, she recommended a Negative 1, 4, and 6 Determination with the condition that the final as-built plan is provided to the Commission and it shows that all work was outside the Commission's jurisdiction.. Mr. Lesser moved to accept the recommendation of the Agent. Mr. Dowse seconded and it was voted to approve 4-0.

**Lake Street Map3 Lot 69f - Amendment to soil testing location**

No one was present to represent the applicant. The Agent reported that there was an amended soil testing plan submitted to the Board of Health and Conservation Office, and the new plan still depicted the testing location outside the Commission's jurisdiction. The Agent wanted to amend the Determination to add this plan, and the Commission agreed.

**Certificate of Compliance****105 Eliot Street- Request for Certificate of Compliance**

Ann Peters and Anthony Hotz were present as the property owners. The Agent reported that Order of Conditions was for soil testing and the Order was so old that the site had now been developed and therefore the Order was satisfied to the best of the Agent's knowledge. Mr. Lesser moved to grant the Certificate of Compliance. Mr. Dowse seconded and it was voted to approve

4-0.

**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, 4/3/14)**

This was continued to the next meeting, as the Commission was waiting for approval to complete a site visit.

**Map 16 Lot 4-R Forest Street- Request for Certificate of Compliance**

Susan and Stephen O'Brien were present as the property owners. The Agent reviewed the Order of Conditions with the Commission and recommended issuance of the Certificate of Compliance as all the conditions of the Order have been met. Mr. Dowse moved to grant the Certificate of Compliance. Ms. Pettit seconded and it was voted to approve 4-0.

**43 Kendall Ave (Sherborn Meadows) - Request for Certificate of Compliance**

Russ Burke of BSC Group was present to represent the applicant. He presented the recent meetings with the Conservation Agent. The Agent agreed that she had been working with land keeper, Arthur Hurst and BSC Group on compliance with the Order of Conditions and the Enforcement Order for non-compliance with the Order of Conditions. After many years, it has been achieved. She recommended the Commission grant a Certificate of Compliance.

The Agent reminded the Commission there is also an Enforcement Order on the property and needs to vote whether the conditions of this Enforcement Order have been satisfied as well. In her opinion, the conditions of the Enforcement Order have been satisfied. Mr. Lesser voted that the applicant has reached compliance with all conditions of the Enforcement Order issued on October 28, 2009. Mr. McClintock seconded and it was voted to approve 4-0.

Mr. Dowse moved to grant the Certificate of Compliance. Ms. Pettit seconded and it was voted to approve 4-0.

**Discussions**

**Discussion #1 - Discussion of possible substantial changes to the Sherborn Wetlands Regulations**

Mr. Lesser discussed the procedures for going about agreeing to review specific areas of the regulations. Mr. McClintock stated that he would like to add to the regulations a section allowing an administrative review of proposed projects that are thought to be outside the Commission's jurisdiction. Mr. Dowse agreed and noted that this would be a wonderful opportunity to reduce burden on residents for projects outside the Commission's jurisdiction.

Mr. McClintock suggested getting an "ok" for some members to move forward the next time we schedule a discussion. The Commission agreed.

The Commission discussed reviewing some proposed amendments to the wetlands regulations at the next meeting with some drafted amendments. Mr. Lesser asked who would be present for this, as a large Commission attendance would be preferred. There was no quorum, so the Commission agreed to cancel the May 1 meeting.

The Commission discussed with Jim Murphy, a resident, what parts of the By-Law are important to the Commission and are specifically more stringent and what portions are a reflection of the State Wetlands Protection Act Regulations. This was quickly reviewed. The Commission, when reviewing similarities to the state regulations, said that a draft of possible exemptions could be added to our regulations since Mr. Murphy noted some concerns and confusion with how the current Sherborn Wetlands Regulations are written.

Mr. Lesser agreed and thought this would get more residents to file when appropriate and become educated rather than risk doing without a permit. He noted exempting unpaved walkways and some fencing (similar to the WPA Regulations).

Mr. Dowse noted his preference for focus on a more simplified review of proposed projects.

The Commission agreed to pick this up again on the May 15th. Mr. Lesser agreed to work on Mr. Murphy's and other people's concerns on the regulations. Mr. McClintock and the Agent agreed to work on an administrative sheet and proposed section of the bylaw regulations. Mr. Lesser and Mr. McClintock will take the lead on drafting sections for amending.

### **Discussion #2 - Presentation for Forestry Community Grant Review and vote**

Mr. McClintock presented a drafted grant proposal to begin forestry management at Barber Reservation and restore Barber's open fields. This grant is a 50/50 match for the town. Mr. McClintock and the Agent have been working on this and it seems the Conservation Commission would only need to spend \$1,500, Forest and Trails would match this, giving us more matching money in order to receive more grant funding. Mr. McClintock moved to approve sending the grant proposal and to expend up to \$1,500 from the CTF as this would be an improvement, and that the Agent is authorized to sign the document. Mr. Dowse seconded and it was voted to approve 4-0.

### **Discussion #3 - Issuance of Emergency Certification**

- 155 Maple Street and Dam Removal at 9 Pleasant Street Vote to Ratify

The Agent noted that she received an application for the removal of a beaver dam by Ms. Givens, who stated that she has a flooded basement due to the construction of a dam by beavers. She noted the beavers have been previously trapped but the dam was never removed. She noted she met with the person completing the removal, Andy Ericco, whom she acknowledged has done a great job of removing the dam. The Agent explained that he followed all required conditions of the emergency certification. Mr. Lesser voted to ratify the issuance of the emergency certification by the Agent for the removal of a beaver dam, after trapping. Mr. Dowse seconded and it was voted to approve 4-0.

- 51 Everett Street installation of well (no water)

The Agent reported that this work was outside of the Commission's jurisdiction.

**Signing of Warrant-** Mr. Lesser signed the warrant.

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

- **Conservation land maintenance** - The Agent noted she is waiting for Town Administrator (TA) approval for sending the MOU to Town Counsel.
- **Warrant Article Town Meeting 2014** - Mr. Lesser updated the Commission on the Warrant Article for Town Meeting, where the Commission is trying to reduce the notification to abutters to what is already required at the state level.
- **Date/time for Pam Merrill to discuss wetland reforms** - The Agent asked when the Commission would like to schedule Pam Merrill to present to wetlands regulation reforms. The Commission agreed on some time after May. The Agent agreed to call Pam and set up a time.
- **Clean Up day, May 3rd** - The Agent explained that Mr. Wagner, Highway Director has asked if there are locations on Conservation Land where teams could be set up for trash pick-up. He would supply the bags and pick up trash bags left in designated locations. Some members thought they could do Barber Reservation and Hidden Meadow. The Agent agreed to tell Mr. Wagner of the locations.
- **Posting for new member** - The Agent agreed to post the opening on the Commission in the Dover/Sherborn Community Note section, down stairs on the bulletin board, post on website, and she would attend the BOS meeting and announce it at public comment .
- **Summer meeting dates** - The Agent noted she could not attend the June 19th and the Aug 21st meeting.

Mr. McClintock moved to adjourn the meeting. Mr. Dowse seconded and it was voted to approve 4-0. The meeting was adjourned at 9:01 pm.

Respectfully submitted,

Alison Browning Mitchell  
Minutes Clerk

**Documents Presented at the March 6, 2014 Public Meeting**

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

**Determinations****2 Town Lyne Road -**

- Plans titled, "Soil Testing Plan 2 Towne Lyne Road, Sherborn, MA" by McIntyre Engineering, dated December 5, 2013

**25 Cider Hill Lane -**

- Plans titled, "Proposed Well Site Plan, 25 Cider Hill Lane, Sherborn, MA" by Metrowest Engineering, dated February 5, 2014

**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

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