

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

September 24, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Alex Dowse, Michael Lesser, Kelly McClintock, Carol McGarry, and Bridget Graziano (Conservation Agent/Administrator)

Absent Members: Andrea Stiller, Steve Gaskin, Jessica Pettit

Guests: Joyce Hastings, Eliot Taylor, Stefan Sokol, Ci Weiyan

Mr. Lesser called the meeting to order at 7:01 pm.

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

Determinations

43 Ivy Lane - Proposal to construct an addition to the existing single family dwelling

No one was present to represent the Applicant. The Agent reported that she conducted a site visit and there were no wetlands resource within 100' of the proposed work or within 200' Riverfront. Mr. Lesser moved to issue a Negative 1, 4, and 6 Determination for the proposed work. Mr. McClintock seconded and it was moved to approve 4-0.

5 Speen Street - Proposal to perform soil testing and installation of septic system

Joyce Hastings of GLM Engineering was present as the Applicant's representative along with the property owner, Mr. Duplessie. Ms. Hastings presented the proposal for work in existing lawn in the outer 50-100' buffer zone to replace a failed septic system. She stated that the house is on an existing slab and the property owner will be completing rehabilitation of this house and the property. The proposed septic system is an alternative system and therefore there will be no change in grade to the property. All materials will be used on site and that which is not will be removed. The Agent presented her opinion and report that since it was all within existing lawn and it was an alternative system with no grade change with simple erosion controls and seeding the wetland resource would not be affected during construction. Mr. Lesser moved to issue a

Positive 2B, 5 and Negative 3 with special conditions for erosion controls and seeding. Ms. McGarry seconded and it was voted to approve 4-0.

7 Wildwood Drive - Proposal to install a new septic system

No one was present to represent the Applicant. The Agent reported that during her site visit the proposed work was found to not be within 100' of a wetland resource or within the 200' Riverfront area. Mr. Lesser moved to issue a Negative 1, 4, and 6 Determination. Mr. Dowse seconded and it was voted to approve 4-0.

Enforcement Order

26 McGregor Drive - Request to remove Enforcement Order

The Agent presented her findings for compliance with the Enforcement Order issued on February 12, 2014. She found that the property owner marked the boundary between Town Land and private property. The property owner was no longer mowing Town Lands as private lawn. The plantings that were required due to intrusion into the wetlands resource had in fact been planted. She noted the site was stable. Mr. Lesser asked the Agent if she thought that compliance was achieved, and she stated it was. Mr. Lesser moved to remove the Enforcement Order and that the property owner is now in compliance with the law. Ms. McGarry seconded and it was voted to approve 4-0.

Certificate of Compliance

26 McGregor Drive - Request for Certificate of Compliance for DEP #283-0349

The Agent reported on her finding for compliance with the approved project DEP #238-0349. She stated that the Applicant is in compliance with all conditions of the Order. The only issue is there is still some Japanese Knotweed on site that was supposed to be removed. The Agent stated that she spoke with the property owner and he agreed to continue to remove the Japanese Knotweed with his landscaper. Mr. Lesser moved to issue the Certificate of Compliance for all conditions but those that are required to remain in perpetuity, Conditions 8 and 9. Mr. McClintock seconded and it was voted to issue 4-0.

30 Old Orchard Road- Request for Certificate of Compliance for DEP #283-0351

The Agent reported that she reviewed the proposed project DEP #283-0351 for compliance and it was found that the property owner/Applicant has met all the requirements. The Commission discussed the Conditions and compliance. Mr. Lesser moved to issue a Certificate of Compliance. McClintock seconded and it was voted to issue 4-0.

Public Hearing

Public Hearing #1 - Public Hearing #2 - 125 Coolidge Street and 9 Kendall Ave proposal for installation of monitoring well sites within a wetland resource

Mr. Lesser opened the hearing at 7:36 pm. Stefan Sokol was present as the representative for the Applicant. Mr. Sokol presented the proposal for the installation of two wells in order to monitor possible contaminants of concern moving from the General Chemical site in Framingham

through the Aqueduct line to Sherborn's groundwater. Mr. Dowse asked if they could request an emergency certification claiming a threat to public health in order to begin drilling immediately. Mr. Sokol stated this is not a public health threat at this time and they are simply doing this to see if there is an issue and none is known at this time. The Agent noted her concerns for the recording of this Order on the titles of all the properties involved. It was discussed that all property owners should sign an agreement with General Chemical that they accept the Order on their properties with General Chemical being responsible for meeting all the Conditions of the Order and obtaining a Certificate of Compliance. The Commission stated that a condition in the Order would state, "Prior to the commencement of work General Chemical Corp will take such steps that are satisfactory to the property owners and the Commission that give assurance that all conditions of the Order are met and a certificate of compliance is achieved."

The Commission further discussed options for protecting the wetland resource from the drilling machinery, which was the main issue compared to the actual drilling though this activity needed conditions as well. The Commission determined the least of amount erosion controls that will protect the wetland but not cause damage would be the compost socks or filter mitts. In addition, swamp mats will be required for machinery crossing of wetlands. Other conditions were discussed, including restoring disturbed areas. Mr. Lesser asked the Commission members if any other comments or information gathering was need. Members agreed there was none.

Mr. Lesser asked for comments from the public.

Mr. Lesser moved to close the hearing. Mr. Dowse seconded and it was voted to approve 4-0.

Mr. Lesser stated that the Commission has the following findings: the work proposed for the installation of two monitoring wells within Bordering Vegetated Wetlands, Riverfront, and Bordering Land Subject to Flooding is necessary for the review and protection of private well water or public health. The monitoring wells are requested to be installed in order to monitor groundwater for contamination from the General Chemical Corporation, which has already been identified to have has contaminants of concern that have migrated from the original area of contamination. Access to this site will be within 0' -100' buffer zone of the Bordering Vegetated Wetlands, Riverfront 0-200', Bordering Land Subject to Flooding (BLSF) and its buffer zone 0-100' (only under Sherborn General Bylaw, Chapter 17). It was noted that all proposed alterations are temporary and all jurisdictional areas and their buffer zone shall be returned to the original state prior to disturbance. The Commission further finds that the applicant has presented evidence sufficient to demonstrate that the proposed activity will not cause permanent alteration to the Bordering Vegetated Wetland, Riverfront and the Bordering Land Subject to Flooding post construction as long as all conditions in the Order are met.

The applicant has met the performance standards under 310 CMR 10.57 Bordering Land Subject to Flooding (BLSF) as there is no fill taking place within the BLSF as well as 310 CMR 10.58 Riverfront (4) General Performance as there is no other practicable location for the monitoring wells and the need for the protection of public health is greater. With regard to CMR 10.54 Bordering Vegetated Wetlands (BVW), all alterations are temporary in nature, there is no fill and all areas are to be restored to original conditions. Therefore, applicant has met all requirements of the performance standards under 310 CMR 10.00 and the Sherborn Wetlands Regulations. Mr. Lesser moved to permit the project as conditioned; Ms. McGarry seconded and it was voted to approve 4-0.

Discussions

Forestry Event and future forestry work in Sherborn -The Agent noted the upcoming event on September 27, 2014 for the saw mill presentation at Barber Reservation. She will provide literature and breakfast.

Mr. Dowse moved to adjourn the meeting. Ms. McClintock seconded and it was voted to approve 4-0. The meeting was adjourned at 9:15pm.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the September 24, 2014 Public Meeting

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

Certificate of Compliance

26 McGregor Drive

30 Old Orchard Road

Public Hearings

125 Coolidge Street, 9 Kendall Ave, MWRA line