

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

December 4, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Steve Gaskin, Michael Lesser, Kelly McClintock, Carol McGarry, Andrea Stiller, and Bridget Graziano (Conservation Agent / Administrator)

Absent Members: Alex Dowse, Jessica Pettit

Guests: William Domey, John Higley, Susan Tyler

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

Mr. Gaskin notified that Ms. Tyler will be recording at 7:04

Mr. Gaskin notified again that Ms. Tyler will be being recording at 7:27

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

William Domey looking to participate in town's environmental activity.

Ms. McGarry arrived 7:11

Determinations

5 McGregor Drive- Proposal to perform soil testing

No one was present to represent the Applicant. The Agent reported that she conducted a site visit and the testing will occur within jurisdiction in outer buffer zone. The Agent explained to the Commission that the engineer stated all testing will occur only in lawn area. The Agent recommended a Positive 5 and Negative 3 Determination with conditions, including that no machinery is to be used in the buffer zone. She stated it is possible the applicant may have to file a Notice of Intent for the septic system. Mr. Gaskin moved to accept the Agent's recommendations. Mr. Lesser seconded and it was voted 4-0.

83 Forest Street- Proposal to perform soil testing and installation of septic system with abandonment of old 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. She recommended a Negative 1,4, & 6 Determination. Mr. Gaskin moved to accept the recommendations. Mr. McClintock seconded and it was voted 4-0.

42-R Everett Street- Proposal for installation of new well and abandonment of old well

No one was present to represent the applicant. The Agent stated that an emergency certification that was ratified 11/20/2014 for the installation of the new well. The Agent showed the plans to Mr. Gaskin because he did not attend the meeting at which the ratification took place. All of the work is in existing lawn and no alternative sites. An after the fact Request for Determination of Applicability was submitted and the Agent recommended a Positive 2B, Positive 5, Negative 3 Determination with the same conditions from the emergency certification. Mr. Gaskin moved to accept the Agent's recommendations. Mrs. Stiller seconded and it was voted 5-0.

37 Harrington Ridge Road- Proposal for expansion of garage to addition

No one was present to represent the Applicant. The plans stated that the garage was to be enlarged from a 16'x24' one car garage to a 24'x24' two car garage. 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. She recommended a Negative 1,4, & 6 Determination. Mr. Gaskin moved accept the Agent's recommendations. Ms. Stiller seconded and it was voted 5-0.

Perry Street Map 5 Lot 83C &D- Proposal to perform soil testing for potential development of new lot

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. She recommended a Negative 1,4, & 6 Determination. Mr. Gaskin moved to accept the Agent's recommendation. Ms. McGarry seconded and it was voted 5-0.

Public Hearings**Public Hearing #1 - (Continued from 7/17/14, 8/21/14, 9/4/14, 9/24/14, 10/2/14, 10/16, 11/6, 11/20 meeting) 2-4 North Main Street SLB-15-02 for a proposal to construct age restricted units, grading and landscaping, and well water line**

The hearing was opened by Mr. Gaskin at 7:33. He stated it was to be continued 12/18 at 7:30-8:30. Mr. Gaskin moved to continue the hearing. Mr. McClintock seconded and it was voted 4-0. Ms. Stiller abstained.

Public Hearing #2 -Amendments to the Sherborn Wetlands Regulation

The hearing was opened at 8:31.

Section 5.0.1: Mr. Lesser stated that there are currently 11 exempt activities listed in the regulations. He referred to an email sent to the commissioners by Mr. Dowse stated he felt that a distinction must be made that the owner is the permittee versus contractors. Mr. McClintock felt that this was an unfair distinction and Mr. Lesser was in agreement that it was not a necessary distinction. Mr. Gaskin also did not feel it was necessary. The Commission decided not to include Mr. Dowse's point. Ms. McGarry suggested to add "construction, installation and/or

maintenance” to activities (i), (ii) and (ix) to make them more clear, and the other Commissioners agreed. Mr Gaskin and the Commission agreed to some grammatical corrections, such as removing the “the” at the beginning of some activities. Mr. Lesser asked the audience if there were any suggestions from the audience on this sub-section.

Section 5.0.2: Mr. Lesser pointed out the changes from the meeting on 11/20/2016 and addressed Mr. Dowse's point, from his email, of adding a ratification process. Mr. McClintock noted that he feels Mr. Dowse is attempting to create some form of documentation to this process. Mr. McClintock then stated that if Mr. Dowse's concern truly is the issue of documentation then that is solved with the Agent's approval document that was composed by the Commission. The Administrative Approvals could also be reported on at the next scheduled meeting creating two forms of documentation. Wording noting such reporting was added.

Section 5.1.3 (a) Mr. Lesser noted that eliminating this subsection on minor projects was considered at the previous meeting. The other option would be to add a definition of a 'minor project'. Mr. Lesser stated that this description could be illustrative of RDA projects but Mr. McClintock felt this was unnecessary. Ms. Tyler stated she found it to be confusing. The majority of the Commission wanted the paragraph removed. Ms. McGarry had no strong feelings on the matter. The Agent then suggested making this description a separate document as guidelines for those who need further information. This subsection was eliminated from the working draft of changes.

Section 5.1.3 (b): Mr. Lesser stated that the letter (b) must be dropped from point (b) and changed to (a). Ms. Tyler noted that with the elimination of the minor project subsection there are references to minor projects in the Regulations that need to be removed. Mr. Lesser then stated that all references to 'Minor Projects' would be removed. The wording of the first sentence of existing 5.1.3(b) was clarified, including eliminating “minor project”.

Under Subsection 5.4.2 on other fees, the fee for an Administrative Approval was discussed. Mr. Lesser then stated that the fee (and overall cost) is lower than if an applicant were to apply for an RDA and that the proposed fee language covers those that do end up needing to apply for an RDA. Mr. Dowse stated in his email that he did not agree with the fee that this work should be covered by general staff work. Mr Lesser disagreed with Mr. Dowse due to the time that would be involved in undertaking the assessment of these projects. Mr. Gaskin stated that if the project is exempt and no building permit is required then no fee shall be assessed, and such wording was added to the working draft. Ms. Tyler asked why there is a fee and how the Commission decided upon \$70 that would be charged. Mr. Lesser explained that the price was previously discussed in earlier meetings and that the site visit itself is \$30 and the rest of the fee accounts for the time it takes for other site and project investigation and processing.

Mr. Lesser next noted the issue of whether the Appendices with permitting-related forms should remain in the Regulations. He noted that removing them would make it easier to revise them with a hearing. He reported that Town Counsel said that it varies by town as to whether such forms are part of the regulations. Mr Lesser stated he did not want to remove Appendix A

related to fees but B, C, and D related to administrative and information issues could be considered for removal. It was discussed that this issue could be addressed in the future, and Mr. Lesser then suggested editing Appendix B regarding the Notice of a Public Hearing for a Notice of Intent. It was decided to add information about the date of a hearing and to generalize some of the specific information that is subject to change, such as the specific newspaper and office hours, as well as use similar language to the state regulations.

Mr. Gaskin moved to accept Section 5 with all of the proposed changes and Appendix B of the Regulations as amended. Ms. Stiller seconded and it was voted 5-0.

Mr. Gaskin moved to close the hearing and Mr. McClintock seconded.

Discussions

Discussion #1 -John Higley Presentation of Town Survey Results (began at 7:36)

Mr Higley presented the results of the Town Survey that was done in 2014 with a focus on issues and information pertaining to the Conservation Commission. He discussed some background on the survey and that it was based on a previous survey done in 1998 (which was used to write the town's general plan which was published in 2001).

Mr. Higley stated that three subcommittees were formed to develop inputs to a new town general plan. The survey was sent to every house. The committee received a total of 658 responses. Some questions were not altered from the previous survey in order to facilitate comparison with the results from the 1998 survey. Mr. Higley shared responses with the Commission regarding resident satisfaction with the town's open space and recreational areas. He noted that Farm Pond received excellent reviews. When residents were asked how they felt about the amount of open space that is protected, the findings showed that residents felt it was appropriate. There was little to no change regarding this question when compared to the 1998 survey. Other survey results related to open space, regulations and the environment were discussed.

Mr. McClintock asked what would happen next with the three committees working on a general plan and Mr. Higley stated that they will take approximately a year to compile a final document with their findings.

Discussion #2 - Conservation Commission Staffing and Budget

Mr. Lesser stated that the Advisory Committee sent out an FY16 Budget document containing a target 1.5% increase to the town budgets. Mr. Lesser presented a proposed FY16 Commission budget that met this 1.5% target for both staff and other expenses. This budget included the approved maximum for the Agent's salary. He also noted that the Administrative Assistant would also receive a 1.5% increase (assuming satisfactory job performance). He stated that land management costs going are increasing to \$2,600 (which is more than 1.5% increase). Other expenses have slight or no increases. Mr. Lesser suggested that in order to keep the expenses budget within 1.5% target increase the Commission would adjust contractual services downward. Mr. Lesser then moved to approve this proposed budget. Mr. Gaskin seconded and it was voted 5-0.

Discussion #3 - Sassamon Trace Request for Proposal for IPM and Organics

The Agent stated that a date must be set to decide which bid to take from the various organizations the Commission has contacted to potentially hire. She noted that the Horsley Witten Group offered a bid of \$17,000, Woodard and Curran offered \$11,000, and Beals and Thomas offered \$9,250. She noted that the Beals and Thomas offer as well as the Woodward and Curran offer only pertain to IPM/organics and not to both testing program and IPM/organics. The various proposals and company abilities were discussed.

Mr. McClintock asked if a smaller group could get together to discuss the matter but the Agent stated that is not allowed because if the group is designated at meeting, it is then considered a subcommittee. Mr. Gaskin suggested that additional information be collected for the next meeting for a vote. Mr. Gaskin also suggested that the Agent could contact Woodard and Curran and Beals and Thomas for combined costs.

Approval of Meeting Minutes 9/4/14, 9/24/14**Meeting Minutes of 9/4/2014**

Mr. Gaskin moved accept the amended meeting minutes of 9/4 Mr. McClintock seconded and it was voted 4-0. Ms. Stiller abstained

Meeting Minutes of 9/24/2014

Mr. Lesser moved to accept the the 9/24/2014 meeting minutes as amended. Ms. McGarry seconded and it was voted 4-0. Mrs. Stiller abstained.

Signing of Warrant- Mr. Gaskin signed the Warrant.

Conservation Administrator/Agent Report

- The Administrator/Agent report was not discussed.
 - Conservation Land Maintenance
 - Hopestill Reservation
 - Barber Reservation
 - Hidden Meadow
 - Forestry
 - Land Management Task force Team meeting update
 - Review new DEP Regulations

Adjourn

Mr. McClintock moved to adjourn at 9:47pm. Mr. Gaskin seconded and it was voted 5-0.

Respectfully submitted
Kaitlyn Kutzer,

Minutes Clerk

Documents Presented at the December 4, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Files.

Public Hearings

Public Hearing #2- Amendments to Sherborn Wetlands Regulations

- Sherborn Wetlands Regulations: Section 5
- Sherborn Wetlands Regulations: Appendix B
- Email From Alex Dowse, Commissioner (November 25, 2014) to Michael Lesser, Commissioner “Sherborn Wetlands Regs Sec5_DRAFT_CHANGES2014nov20-ad.doc”
- Attachment including edits to Section 5 of Wetlands Regulation from Email From Alex Dowse, Commissioner (November 25, 2014) to Michael Lesser, Commissioner “Sherborn Wetlands Regs Sec5_DRAFT_CHANGES2014nov20-ad.doc”

Discussions

Discussion #2-Conservation Commission Staffing and Budget

- Conservation Agent/Administrator Job Description, November 20, 2014
- Conservation Commission FY16 Draft Budget Work, December 4, 2014
- Conservation Commission Budget Spreadsheet FY2008 Actual-FY2016 Request

Discussion #3- Sassamon Trace Request for Proposal for IPM and Organics

- Email From Horsley Witten Group (November 14, 2014) to Bridget Graziano, Agent, “Combined Proposal for Sassamon Golf Course OOC Compliance and Integrated Pest Management Review Services”
- Email from Woodard Curran (November 26, 2014) to Bridget Graziano, Agent, “Proposal -Environmental Consulting Services Sassamon Trace Golf Course, Natick MA”
- Email from Beals + Thomas (December 1, 2014) to Bridget Graziano, Agent, “Peer Review Services: Review Pesticide and Fertilizer Use, IPM Organic Management Sassamon Trace Golf Course Sherborn, MA”

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.