

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

December 18, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

Members Present: Alex Dowse, Steve Gaskin, Kelly McClintock, Carol McGarry, Jessica Pettit, Andrea Stiller, Bridget Graziano (Conservation Agent / Administrator)

Members Absent: Michael Lesser

Guests: Peter Bemis, Fred Fahey, Richard Juliani, Ronald Labadini, Eliot Taylor, Leslie Williams

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. There were none.

Break at 8:00 to 8:34

Determinations

119 Maple 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 presented the proposal to perform soil testing and the installation of septic system with abandonment of old system. She recommended a Negative Determination (1,4,6) because it was found that the limit of work was not within 100' of a wetland resource or 200' of Riverfront. Mr. Gaskin moved to accept the Agent's report. McClintock seconded and it was voted to approve 5-1 Ms. Stiller abstained.

Ms. Pettit arrived at 7:07

244 Western Avenue - Proposal to construct detached three car garage

Leslie Williams was present as the property owner and to represent the applicant Randy Boudrieau. The Agent presented the proposal to construct a 36'X48' three car detached garage. The Agent stated Bordering Vegetated Wetland (BVW) was found 103 feet from the original

proposed location of project. Ms. Williams stated that they have already determined the location will be moved further from the 103' line to allow for more room for construction. Additionally, they agreed to add snow fencing to restrict machinery from the buffer zone. The Agent recommended a Negative Determination (Negative 1, 4, and 6) and the limit of work is not within 100' of a wetland resource area or 200' of a Riverfront. She noted that the proposed project was within estimated and priority habitat for Rare Threatened and Endangered Species habitat was found to be on the property and she encouraged Ms. Williams to file with the state under MESA. Mr. Gaskin moved to accept the Agent's report. Ms. Pettit seconded and it was voted to approve 6-0.

59 Eliot Street- Proposal to perform soil testing

Fred Fahey, the applicant and prospective buyer, was present to present his proposal to perform soil testing. He stated that he intends to test the soil in three locations with the intention to build two houses. The Agent stated that one test point was found to be within the jurisdiction of the Commission with 46' from BVW. She also stated that during her site visit she found that there is an intermittent stream that had been filled. She stated that there is also an old Order of Conditions (OOC) for construction of the barn still open according to the Conservation files. She requested that Mr. Fahey inquire with the Middlesex Registry of Deeds as to whether or not the OOC is still on the deed of the property. He explained that he was unaware of when the wetland was filled and that he intended to hire a wetland scientist to re-delineate the wetlands. He also stated that if he purchased the property he would work to restore the wetlands.

The Agent asked if the necessary distance for the Board of Health could be met because she felt it could not for new construction based on the location of the intermittent stream. Mr. Fahey stated he agreed and that he would need a waiver from the Board of Health. Mr. Gaskin stated that because Mr. Fahey has intentions of restoring the wetland the Commission could allow the soil testing to occur. The Agent recommended a Positive Determination (Positive 2b) and a Negative Determination (Negative 5 and 3). She stated the conditions would include, (1) testing locations should be conducted in the location proposed that are the farthest from the wetlands then move closer as needed only, (2) Machinery shall be kept only within the existing driveway except during testing, and (3) all testing locations shall be restored to original condition. Mr. Gaskin moved for a Positive 2b, Negative 5 and 3 Determination. Ms. Stiller seconded and it was voted 6-0.

Public Hearings

Public Hearing #1 - (Continued from 7/17/14, 8/21/14, 9/4/14, 11/20/2014 meeting) 2-4 North Main Street SLB-15-02 for a proposal to construct age restricted units, grading and landscaping, and well water line

Mr. Gaskin opened the hearing at 7:34 PM. The Agent stated that she has not yet received the needed peer review and the owner requested a continuation. The Agent stated that this information is to be compiled for the next meeting. Mr. Gaskin moved to continue the hearing at 7:30 pm on January 15th, 2015. Ms. McGarry seconded and it was voted 6-0.

Public Hearing #2 - 59 North Main Street for Abbreviated Notice of Resource Area Delineation to review all wetlands and Resource Areas DEP# 283-0361

Mr. Gaskin opened the hearing at 8:34 pm. Peter Bemis presented the plans (DEP# 283-0361) He stated that he hired Eco Tec, Inc, Scott Morrison to complete a wetlands delineations. The Agent stated that she disagreed with three of the flags, which were fixed in the field and now depicted on the plan. The Agent also stated that she revisited the site to review the river location and due to a recent rainstorm could not see the flow of the river, but in general she agreed with the flags. She stated that she then spoke with the consultant and discussed the differences and found it them be minor. The Agent recommend the Commission accept the line. Ms. Gaskin asked for public input, there was none.

Mr. Gaskin moved to close the hearing. Mr. Dowse seconded and it was voted 6-0.

Mr. Gaskin found the wetland delineation to be accurate under the Abbreviated Notice of Resource Area Delineations with the submitted plan titled "Existing Conditions 59 North Main Street", dated December 16, 2014 by EDC Engineering, Inc. It was noted that there are two delineated locations of and there is an undelineated intermittent stream tributary to the river which was not delineated and not approved under Order of Resource Area Delineation. Mr. Gaskin moved to accept the final plan, as submitted, excluding the intermittent stream delineation. Ms. Stiller seconded and it was voted 6-0.

Mr. Bemis requested the Commission reduce or waive the fee for the ANRAD. The Commission agreed to consider it at the next meeting, as they did not have enough information at this time.

Discussions**Discussion #1 - Forestry Stewardship Plan**

Mr. McClintock stated the project as proposed includes forest thinning that is to be beneficial to the logger in exchange for cutting the marked trees along the stone walls and around other field borders. It was anticipated that the town would have to pay the loggers up to an additional \$5,000 to make the total project economic.

He reported that he contacted three loggers, and two of the three loggers were not interested. The third logger will do the forest thinning in equal exchange for cutting the trees along the stone walls, but is not willing to remove the trees marked along the other field boundaries. This logger will not need additional compensation from the town.

The Agent stated she is working with David Williams and Phil Benjamin to draft a contract. She then stated the loggers have to comply with Forest Cutting Practices Act and that this should be included in the contract. The Agent then stated that before cutting along the stone walls the logger will meet with the Agent to ensure compliance with wetlands protection requirements. The Agent asked Mr. McClintock to show Mr. Williams documentation of the effort made to request work from the three loggers.

Mr. McClintock moved to enter into a logging contract for Barber Reservation to implement the cutting plan recently approved by the commission. In addition to standard requirements regarding compliance with the Forest Cutting Practices Act, supervision by Phillip Benjamin, and town requirements for insurance and indemnification, the broad terms of the contract must provide that:

- Permittee will harvest and thin the trees marked in Phase B (the current cutting plan) in exchange for removing the marked trees along both sides of the two transverse stone walls which divide the fields of the Reservation.
- To the extent necessary, the town will supplement the value of the trees to be harvested by an amount up to \$3,000.
- Permittee will leave nothing but stumps, cut as low as possible.
- All marked, non-merchantable trees and tree residues from along the stone walls will be chipped, with no chips either removed from the property or blown into the adjoining woods or wetlands.
- The final contract and details must be acceptable to both the Agent and Mr. Williams.

Mr. Dowse seconded and it was voted 6-0.

Discussion #2 - Conservation Commission staffing and budget

Not Discussed

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

The Agent stated that she received the updated bids with combined costs from Beals and Thomas and Woodard and Curran. The proposals were provided to the Commission. Avalon Consulting stated they would not be able to take on the added requests which is why they did not re-bid. Woodard and Curran also needed to list qualifications and which were supposed to be included in the updated combined bid. Mr. Gaskin discussed the cost of the two consultants, Beals and Thomas bid \$14,750 and Woodard and Curran \$16,500 with possible additional costs for travel. Ms. Stiller stated that Woodard and Curran has eco risk assessment experience and feel that they can manage the scope of this project. Mr. Gaskin moved to accept Woodard and Curran. Ms. McGarry seconded and it was voted 5-1. Mr. Dowse abstained.

Approval of Meeting Minutes

Minutes from 10/16

To be reviewed on 1/15/2015

Minutes from 11/6/14

Mr. McClintock moved to accept the minutes as amended. Mr. Dowse seconded and it was voted 6-0.

Minutes from 11/20/14

Mr. McClintock moved to accept the minutes as amended. Mr. Gaskin seconded and it was voted 5-1. Ms. Pettit abstained.

Minutes from 12/4/14

To be review on 1/15/2015

Warrant: signed by Mr. Gaskin

Conservation Administrator/Agent Report**•Conservation Land Maintenance****-Hopestill Reservation**

Not discussed

-Barber Reservation

Agent reported there is a meeting scheduled for Monday the 22nd of December to meet with inspector and discuss barn construction with David Williams. Mr. McClintock brought up safety issues related to work site. The Agent agreed to discuss with George Fiske. Ms. McGarry stated that she planned to ask George Fiske to attend the Historical Commission meeting to discuss construction as well because of the historical value of the building. Ms. McGarry stated that the property will be listed as a historical landscape.

-Hidden Meadow and Harrington Ridge Drainage

The Agent stated that she would set up a site visit with the Highway Director Ed Wagner. The Agent recommended a site visit with members of the Commission. The Commission decided to visit the 7th of January, 2015 at 8:00 am.

-Jameson Field area drainage and Ward Pond

To be discussed at the January 15th 2015 meeting

•Forestry- covered in discussion**•Barber Reservation Grassland Study**

Ms. McGarry stated that discussion had occurred with the consultant, Liz Newland of the Mass Audubon, and she stated that the study was a fairly large scope of work and would cost close to \$900.00.

Mr. Gaskin moved to adjourn. Mr. McClintock seconded and it was voted to approve 6-0. The meeting was adjourned at 8:59 pm.

Respectfully submitted,
Kaitlyn Kutzer

Minutes Clerk

Documents Presented at the December 18, 2014 Public Meeting

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

Discussions**Discussion #1**

- Forest Cutting Plan and Notice of Intent
- Department of Environmental Protection, Forest Cutting Plan Certificate 12/15/2014

Discussion #3

- Offer Letter from Beals and Thomas
- Offer Letter from Woodard & Curran

Public Hearings**Public Hearing #3**

- Application Summary for Abbreviated Notice of Resource Area Delineation DEP#283-0361

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