

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

June 5, 2014

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

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

Absent Members: Steve Gaskin, Jessica Pettit

Guests: Susan Tyler, William Larkin, Audrey, Sabine Jonsson, Cindy [surname not clear], Mark Margenallo, Carol McGarry

Mr. Lesser called the meeting to order at 7:00 pm. He announced that Susan Tyler is recording the meeting.

Mr. Lesser asked for any items not reasonably anticipated within 48 hours of the meeting. Mr. Dowse noted that he would like to discuss issues with the regulations. Mr. Lesser noted that this was already on the agenda.

Determinations

28 Great Rock Road -Proposal to perform soil testing and installation of septic system

No one was present to represent the applicant. The Agent presented the proposal to perform soil testing and installation of replacement septic system. She reported that wetlands resources were not found within 100' of the proposed project but that wetlands were found on the abutting property. The Agent recommended that this be approved under a Negative 1, 4, and 6. Determination. Mr. Dowse moved to accept the Agents recommendation. Mr. Lesser seconded and it was voted to approve 4-0.

24 Great Rock Road- Proposal to perform soil testing and installation of septic system

Mr. Larkin the property owner and applicant and Audrey were present for the discussion. The Agent presented the proposal to perform soil testing. She reported that the proposed testing location #2 is located within the 50' to 100' buffer zone of the proposed alternative testing location #2. The Agent stated that there were two locations noted on the plan for which she was originally going to recommend testing in location #1 and then if necessary testing at #2. However, there was some mix up and the testing was done without the Commission's approval. She noted that testing had been done in the location (#2) in the buffer zone. The Agent continued to report that after testing location #2 was completed, location #1 outside the buffer zone was

tested and did not meet the percolation requirements for the Board of Health. The Agent recommended a Negative 3 Determination be approved with conditions. It was noted that a Notice of Intent may be required for the installation of the septic system. Mr. Lesser moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 4-0.

86 Brush Hill Road- Proposal to install perimeter fencing for dog day care

Ms. Jonsson and Cindy were present as the applicants and the property owners. The Agent presented the proposal to install perimeter fencing for a dog day care facility so of which is in the 80'-100' of the buffer zone in an already altered area. She reviewed the location's proximity to the wetlands resource. The Commission discussed the conditions for fencing within the buffer zone, which usually included allowing for a 6"-12" opening at the bottom of fencing to reduce the restriction of wildlife movement. Ms. Jonsson explained this could not be done because of the dogs' ability to get out.

Ms. Tyler, resident showed the Commission Google Earth map of the lot and discussed the fencing.

The Agent showed the plan and reviewed the location of the fencing and wetland.

The Commission discussed possibly conditioning the restoration of the meadow area within the fencing, if approved, of the dog care when no longer operational. Also, another condition was that there is no loss of sod layer causing erosion into the wetland.

Ms. Tyler, a resident asked the Commission to add no storage of manure in the buffer zone or wetland resource. The commission agreed.

Mr. Dowse thought this project needed a Notice of Intent for this type of work in the buffer zone.

Mr. Lesser moved to accept issue a Negative 3 Determination. Ms. Stiller seconded and it was voted to approve 3-1.

49 North Main Street- Proposal to install new well and abandon old well

No one was present to represent the applicant. The Agent presented the proposed project to install a new well and abandon the old well. She reported that a wetland resource was discovered but the proposed work is outside the Commission's jurisdiction. The Agent recommended a Negative 1, 4, and 6 Determination. Mr. Dowse moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0.

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

No one was present to represent the applicant. The Agent presented the proposed project to perform soil testing and installation of septic system. She reported that a wetland resource was discovered but the proposed work to perform soil testing is within the 50' - 100' buffer zone to a wetlands resource. The design for the installation is unknown at this time, therefore, she is recommending approval of a Negative 3 Determination with conditions for soil testing only. Mr. Lesser moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approved 4-0.

36 Brush Hill Road- Proposal to perform soil testing, installation of new septic system and construct a garage addition

No one was present to represent the applicant. The Agent presented the proposed project construct an addition to the existing single family dwelling. She reported that the proposed project is outside the jurisdiction of the Conservation Commission. The Agent recommended approval of a Negative 1, 4 and 6 Determination. Mr. Lesser moved to accept the Agent's recommendation. Ms. McClintock seconded and it was voted to approve 4-0.

28 Lake Street - Proposal to install new well and abandon old well

No one was present to represent the applicant. The Agent presented the proposed project perform installation of new well. She reported that a wetland resource was discovered but the proposed work to install the well was already conducted an emergency permit. She presented the conditions under the issued emergency permit. She reviewed the conditions for erosion controls and a catchment area. The area where the well was to be installed would be restored to the original condition. The Agent recommended approving the project as a Negative 3 Determination with conditions. Mr. Lesser moved to accept the Agent's recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

13 Goulding Street- Proposal to replace distribution box

No one was present to represent the applicant. The Agent presented the proposed to replace an existing distribution box. She reported that the proposed work is outside the Commission's jurisdiction. She noted that a wetland resource was discovered on an abutting property. The Agent recommended a Negative 1, 4, and 6 Determination. Mr. Dowse moved to accept the Agent's recommendation. Mr. Lesser seconded and it was voted to approve 4-0.

60 Bogastow Brook Road - Proposal to replace Distribution box

No one was present to represent the applicant. The Agent presented the proposed to replace an existing distribution box. She reported that the proposed work is outside the Commission's jurisdiction. The Agent recommended a Negative 1, 4, and 6 Determination. Mr. Dowse moved to accept the Agent's recommendation. Ms. Stiller seconded and it was voted to approve 4-0.

130 Nason Hill Road- Proposal to perform soil testing and installation of septic system

No one was present to represent the applicant. The Agent presented the proposal to perform soil testing and installation of replacement septic system. She reported that wetlands resources were not found within 100' of the proposed project. The Agent recommended that this be approved under a Negative 1, 4, and 6. Determination. Mr. Lesser moved to accept the Agents recommendation. Mr. Dowse seconded and it was voted to approve 4-0.

111 Coolidge Street- Proposal to construct a new agricultural building under the Agricultural exemption

The Agent noted a 21-day waiver was submitted. This project proposal was continued to June 19, 2014 meeting. Mr. Lesser moved to continue the Determination to the next meeting of June 19, 2014. Mr. Dowse seconded and it was voted to approve 4-0.

93 Goulding Street- Proposal to construct a sunroom

The Commission had earlier reviewed the outstanding Enforcement Order and the Certificate of Compliance for 93 Goulding Street in order to issue the submitted Request for Determination of Applicability.

Mark Mangenello of LEC Environmental was present to represent the applicant. He presented the applicants proposal for construction of sunroom on existing deck. The Commission reviewed the proposed plans. The Agent reported the all roof run-off will be directed into a dry well constructed outside the 100' buffer zone. She stated that with this condition and keeping all materials outside the 100' buffer zone during construction and following the proposed erosion control depicted on the plan, she recommended the Commission issue a Negative 3 Determination. Mr. Lesser moved to accept the Agent's recommendation of a Negative 3. Ms. Stiller seconded and it was voted to approve 4-0.

35 Stoney Brook Road- Proposal to perform soil testing and installation of septic system

No one was present to represent the applicant. The Agent presented the proposal to perform soil testing and installation of replacement septic system. She reported that wetlands resources were not found within 100' of the proposed project. The Agent recommended that this be approved under a Negative 1, 4, and 6 Determination. Mr. Lesser moved to accept the Agent's recommendation. Mr. McClintock seconded and it was voted to approve 4-0.

(Noted for recording purposes)

Ms. Tyler left at 8:00 PM.

Ms. Tyler returned at 8:02 PM.

Certificate of Compliance

86 Brush Hill Road- Request for Certificate of Compliance on DEP file # 283-0180

(discussed prior to RDA review)

The Commission reviewed the request for Certificate of Compliance for the installation of septic system. The applicant did not have the as-built plan, but the Agent reviewed the original plan from the approved Order of Conditions. She recommended granting compliance with the Order. Mr. McClintock moved to grant the Certificate of Compliance. Ms. Stiller seconded and it was voted to approve 4-0.

2 Towne Lyne Road- Request for Certificate of Compliance DEP File #283-20

The Commission reviewed the request for Certificate of Compliance for the construct of a single family dwelling. The applicant did not have the as-built plan as the project was 20 years old, but the Agent reviewed the original plan from the approved Order of Conditions and the site. She recommended granting compliance with the Order. Mr. Dowse moved to grant the Certificate of Compliance. Ms. Stiller seconded and it was voted to approve 4-0.

93 Goulding Street- Request for Certificate of Compliance DEP File #283-0338

(discussed prior to RDA review)

Mr. Mark Magenello of LEC Environmental Consultants, Inc was present to represent the applicant. He reviewed the invasive species restoration plan and the plantings required. The Agent reported that through she could not find all the plantings required, however, the area was seeded with the restoration mix as required. Approximately 75% of the planting survived. The only plantings that were not present were the plantings for the areas were invasives were removed. The Agent reported she felt the property owners completed the requirements to the fullest extent. Mr. Lesser moved to grant the Certificate of Compliance. Mr. Dowse seconded and it was voted to approve 4-0.

Mr. Lesser noted that Carol McGarry is interested in serving on the Commission because she cannot stay for the later agenda item discussing the open Commission seat.

Review of Enforcement Orders

152 Maple Street- Review of compliance with Enforcement Order

The Commission reviewed the Enforcement Order conditions for restoration of altered buffer zone. The Agent reported that the property owners met the requirements of the Enforcement Orders. Mr. Lesser moved to remove the Enforcement Order of 152 Maple Street and that the property is in compliance. Mr. McClintock seconded and it was voted to approve 4-0.

93 Goulding Street - Review of compliance with Enforcement Order

Mr. Mark Magenello of LEC Environmental Consultants, Inc was present to represent the applicant. He reported that the Enforcement Order conditions were the same as the conditions within the Order. The Commission agreed. Mr. Dowse moved that the property owners met the requirements of the Enforcement Order. Mr. McClintock seconded and it was voted to approve 4-0.

Discussions

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

The Commission reviewed the options for amending the regulations to include some exemptions from its regulations. It was questioned on whether it is possible to be less stringent than the Wetlands Protection Act (WPA) and its Regulations. The Agent reported that the Commission's Bylaw regulations must be equal to the WPA and not less stringent. Mr. Lesser discussed a possible policy for specific projects. Mr. Dowse did not think that we can issue Determinations of Applicability for some projects and that they needed to be Notices of Intent. Mr. McClintock disagreed.

Mr. McClintock discussed possible issues with exemptions and using a possible Administrative Approval for projects that are exempt (when added as exemptions to regulations) and/or outside our jurisdiction. All would need to be added to our regulations. Mr. Lesser stated that he does not want to add exemptions that are not in the State regulations and be subject to challenge. The Commission went through proposed exemptions to match the state (see the sheet).

The Commission agreed to remove "ix" from the list, added " ii" in with decks. The Commission discussion about heavy machinery within the buffer zone and agreed this could not be exempt. Mr. McClintock discussed g. and add this portion.

The Agent discussed the distance from new construction to wetlands with the Board of Health, and the Commission discussed an exemption for soil testing, monitoring wells and whether these can be exempt.

Mr. Lesser noted he is concerned about erosion and equipment with projects the Commission exempts. Mr. Dowse thought that the Agent will catch all the projects that could cause an issue.

Mr. McClintock will take another look at the draft with the agent to review for the meeting on the 19th. The Commission agreed that the work to draft this process under the regulations would be broken down into a phased process.

Mr. Dowse asked a question about the non-substantial changes approved for the regulations in March. He stated that Appendix B was changed after the regulations amendments were voted and approved. Mr. Lesser noted that a non-substantive notification change about hearing information was made to match the By-law and he had requested Town Counsel assistance about making simple non-substantive changes to forms that are in the regulations. He noted an example for listed hours for the Town Hall in Appendix B cannot be changed since they are in the regulations and whether this would need the opening of a hearing if the Town Hall hours changes. He explained to the Commission that he awaiting Town Counsel views on this matter. Mr. Lesser apologized for making the non-substantive change and had already removed it.

Mr. Lesser called on Ms. Susan Tyler she felt that there are a few other changes that were agreed to that were not made. Mr. Lesser said if that is true then it would be helpful if she would submit the information to the Commission for their review.

Discussion #2 - Barber Reservation Ecological Study

Mr. McClintock provided the Commission with an update on the Ecological Study.

Mr. Lesser departed at 9:12PM

He continued to brief the Commission of the process of the stakeholders meeting for the public input on the ecological study. The presentations for the alternative visions and land management foci at the second stakeholders meeting ranged from timber/natural resource harvesting, promoting biodiversity, and improving public access and trails.

Mr. Lesser returned at 9:16PM

He noted that Jean Bednor, he and our Agent met with the students to discuss the options presented at the stakeholders meeting, when dealing with stone wall and maintenance ideas, shorter term issues, affordability and sustainability.

The Commission agreed there is a consensus on developing land management plans. The Agent was asked to provide copies of the presentation to the Commission. Mr. Dowse noted he has concerns about financial backing for some of the proposed plans.

Discussion #3- Agent vacation and next meetings - June 19th meeting (Agent on vacation)

The Agent noted her vacation from June 19-24. Mr. Lesser asked about the attendance at the June 19th meeting, it was not clear there would be quorum. Mr. Lesser asked about holding a special meeting on June 25th if there was not quorum.

Approval of Meeting Minutes of 4/3/14 & 4/22/14 – not done.

Signing of Warrant

Mr. Lesser signed Warrant for reimbursement of Agent's mileage and payment to the Conway School of Design as previously voted to expend from the Conservation Trust Fund.

Conservation Administrator/Agent Report

- **Discussion posting for new member** - It was noted that Carol McGarry is interested in serving on the Commission. The Commission requested adding a discussion for the interview of candidates for serving on the Commission for the June 19th meeting.
- **Conservation Land Maintenance** - It was reported that the Commission is still working on an MOU for Hopestill. Mr. McClintock and Mr. Dowse are supposed to meet with David Williams on this matter. The Agent discussed the MOU and the length of the agreement.
The Commission then discussed options for land management for some parcels including Barber and the need to ask Matt Mayo if he can use the brush hog around the wall and what the cost for clearing around stone walls would be. Mr. Dowse did not think it was a priority for Mr. Mayo to do the work at the Barber. The Commission asked the Agent to speak with Mr. Mayo about maintenance. Mr. McClintock was going to call some local people who mow for costs for the budget. Mr. Lesser noted that Mr. Wirth has agreed to mow Hidden Meadow trails during the summer.
- **Update on Forestry Grant** - The Agent reported that she would like to have the Commission host an outreach program at Barber on Forestry on September 27, 2014. This outreach program would be a saw mill demonstration and promote sustainable forestry.
- **Regulation Reforms Review** - The Agent was still working on a date for DEP to present to the Commission
- **Commission Budget and Staffing** - Mr. Lesser discussed the proposition to the Commission reduce her working hours and maintain her position as the Administrator/Agent with the support of an Administrative Assistant. Mr. Lesser stated that he was very satisfied with the the current Administrator/Agent and he wanted to retain her in her current position with the town. There was a consensus for this approach and for having an Admin./Agent with Administrative Assistant support.
- **Signing of sexual harassment policy** - not available

Mr. Dowse moved to adjourn the meeting. Ms. Stiller seconded and it was voted to approve 4-0. The meeting was adjourned at 10:01 pm.

Respectfully submitted,

Bridget R. Graziano
Conservation Administrator/Agent

Documents Presented at the June 5, 2014 Public Meeting

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

Determinations

- **24 Great Rock Road**
- "Application for Soil Testing and Evaluation" by CIVILized Solutions, dated May 2, 2014
- **86 Brush Hill Road- Proposal to install perimeter fencing for dog day care**
- **49 North Main Street- Proposal to install new well and abandon old well**
- **5 Speen Street- Proposal to perform soil testing and installation of new septic system**
- **36 Brush Hill Road- Proposal to perform soil testing, installation of new septic system and construct a garage addition**
- **28 Lake Street - Proposal to install new well and abandon old well**
- **13 Goulding Street- Proposal to replace distribution box**
- **93 Goulding Street- Proposal to construct a sunroom**

Enforcement Order and Determination

- **93 Goulding Street**

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