

# Conservation Commission



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

May 7, 2015

Sherborn Town Hall

7:00 P.M.

Minutes of the Meeting

**Members and Staff Present:** Alex Dowse, Steve Gaskin, Michael Lesser, Kelly McClintock, Carol McGarry, Andrea Stiller, Bridget Graziano (Conservation Agent/ Administrator), Kaitlyn Kutzer (Administrative Assistant)

**Members Absent:** Jessica Pettit

**Guests:** Peter Beamis, Adam Craig, Suzanne Craig, Scott Goddard, Timothy Goddard, David Killeen, Juliani, Sean Killeen, Brian Phillips, Kitty Sturgis, and Susan Tyler

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.

## **Determinations**

### **Grey Street (Map 5 Lot 32) - Proposal to perform soil and percolation testing**

No one was present to represent the applicant. The Agent stated that the proposed soil testing is not within 100' of a wetland resource area or within a 200' Riverfront Area. She recommended a Positive 2b and Negative 1,4,6 Determination. Mr. Lesser moved for a Positive 2b and a Negative 1, 4, 6 Determination. Mr. Gaskin seconded and it was voted to approved 5-0-1 with Mr. Dowse abstaining.

### **32 Hunting Lane - Proposal to install solar panels**

No one was present to represent the applicant. The Agent stated that the proposed solar arrays will be 70'X60' square feet and 20' X 70' square feet of the panels will be within the approximate 75'-100' part of the buffer zone. The Agent stated that the solar array was proposed to be built on previously disturbed buffer zone which is currently lawn. No trees were proposed to be removed. The Agent recommended a Positive 2b, 5 and Negative 3 Determination with conditions. Mr. Gaskin moved for a positive 2b, 5 and Negative 3 Determination with conditions. Mr. McClintock seconded and it was voted to approve 6-0.

**Public Hearings****Public Hearing #1- 59 North Main Street (Lot 1) DEP File no. 283-0363 for a proposal to demolish the existing barn, construct one single family home of a 3 lot subdivision, with associated driveway, landscaping, and utilities consisting of well and septic system**

Mr. Gaskin opened the hearing at 7:32 PM. Mr. Beamis was present to represent the applicant. The applicant, Mr. Juliani, was also present. Mr. Beamis reviewed the plans for the Commission. He stated that the Planning Board had approved the plans for the three intended lots. Mr. Beamis requested that the Agent perform an Administrative Approval for Lot 2, which does not lie in the Commissions jurisdiction. The Agent suggested waiving the Administrative Approval fee because it is not necessary to perform another site visit. Mr. Gaskin moved to waive the fee. Mr. McClintock seconded and it was voted to approve 6-0.

Mr. Beamis then reviewed the changes to the plans since the last meeting which consisted of the restoration plans for the portion of the buffer zone the barn will be removed from. Mr. Beamis stated that the large trees near the proposed lot #1 well would not be impacted by the installation of the well and that access will be via an existing cart path. The Agent stated that the slurry pit location was not indicated on the plans and that it would be field located.

Mr. Lesser asked for the square footage of the proposed post-construction lawn. Mr. Beamis stated that there would be a net gain of natural buffer but he did not have an exact figure. He stated that lot 3 would require some lawn, and the well, to exist within the 100'-200' riverfront area and the 100' buffer zone of a separate wetland that had already been already altered. He also stated that his proposal is to remain within the 10% square footage limit of converting riverfront area to alternate use. Mr. Gaskin stated that because Mr. Beamis is proposing to convert existing riverfront area and buffer zone to lawn he would need to show how the proposed disturbed buffer would be compensated for with the creation of/or restoration of buffer in an alternate location.

Ms. Marian Neutra stated that although the Planning Board issued a special permit through the exchange of land, (land behind tracks that was associated with this property but was unusable/inaccessible and therefore given to the town in exchange for land that would enable the creation of the three lots) she agreed with the Conservation Commissions effort to protect this existing buffer zone.

Ms. Tyler informed the Chair that she was recording.  
Mr. Gaskin informed the audience that they were being recorded.

The Commission discussed other options of lawn location to avoid the conversion of buffer zone and riverfront area to lawn. Ms. McGarry asked how much lawn was being proposed for this project and Mr. Beamis stated approximately an acre and a half is proposed, not all of which is within the buffer zone. Mr. Gaskin asked that Mr. Beamis calculate how much square footage of lawn is being proposed in the Commissions jurisdiction to then compare what is being restored. Mr. Beamis stated that there is a 2:1 ratio of return to resource area and he would calculate a precise figure for the Commission. The Commission asked that the hearing be continued to later and Mr. Beamis agreed to return at 9:30 PM. Mr. Lesser moved to continue the hearing to 9:30 PM. Mr. Gaskin seconded and it was voted to approve 6-0.

Mr. Gaskin continued the hearing at 9:31 PM. Mr. Beamis stated that there is currently 2,950 of sq feet of impervious surface related to the barn as well as significantly disturbed buffer zone that falls within the new lots. Once removed 4,050 square feet of buffer will be restored with plantings. He then stated that the proposed lawn to be created within the outer buffer zone is 3,727 square feet (for Lot 3) and 2,145 square feet (for Lot 1). There will also be another approximately 12,000 sqft of buffer area will be protected. Impervious and disturbed area in the no-alternation zone will be significantly reduced. Mr. Gaskin suggested removing invasive plants and to then plant native species for further restoration and compensation of the proposed disturbance. The Commission discussed the details to be included in the planting plan and to be noted in the conditions. The Commission also discussed the draft conditions with the applicant.

Mr. Lesser moved to close the hearing for DEP file No. 283-0363. Mr. Gaskin seconded and it was voted 6-0.

Mr. Gaskin stated, the Commission hereby finds that the applicant has provided sufficient evidence to demonstrate that work proposed to demolish the existing barn and associated structures on the lot and construct a new single family dwelling with new well and septic will not cause alteration to the Bordering Vegetated Wetland during and after construction as long as all conditions in the Order are met. The Applicant has proposed mitigation in the form of planting of vegetation at edge of wetland resource, marking the no-alternation zone, the infiltration of roof run-off into infiltration basins, removal of all structures within the 0-50' no alteration zone, and other buffer zone restoration. Therefore the Commission finds that the applicant has met the performance standards for work within the 0-100' buffer zone under the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.02 (2) (b) and the Sherborn General Bylaw Chapter 17 and its Regulations Section 4 and 10. It is noted there is alteration of 0 - 50' buffer zone for the installation of well and water line, this activity was found to be a minimal alteration of the no alteration zone and that there will be no adverse impact to the wetland resource, as this area will be allowed to revert back to natural buffer zone post-construction.

Mr. Gaskin moved to grant the Order of Conditions. Ms. Stiller seconded. Mr. Lesser then stated that the improvements to buffer zone will compensate for the new lawn to be created. It was voted to approve 6-0.

**Ms. Stiller left at 9:42 returned 9:44**

**Ms. McGarry left at 9:54 returned at 9:56**

**Public Hearing #2 – 59 North Main Street (Lot 3) DEP File no. 283-0364 for a proposal to demolish the existing barn, construct one single family home of a 3 lot subdivision, with associated driveway, landscaping, and utilities consisting of well and septic system**

Mr. Gaskin opened the hearing at 7:30 PM.

Mr. Gaskin moved to close the hearing for DEP file No. 283-0364. Mr. McClintock seconded and it was voted to approve 6-0. Mr. Gaskin stated that the Commission hereby finds that the applicant has provided sufficient evidence to demonstrate that work proposed to demolish the existing barn and associated structures on the lot and construct a new single family dwelling, well and septic system with some activities within 50' -100' buffer zone will not cause alteration to the Bordering Vegetated Wetland during

or after construction as long as all conditions in the Order are met. The Applicant has proposed mitigation in the form of planting of vegetation at edge of wetland resource, marking the no-alteration zone, the infiltration of roof run-off into infiltration basins, removal of all structures within the 0-50' no alteration zone and other buffer zone restoration. Therefore, the Commission finds that the applicant has met the performance standards for work within the 0-100' buffer zone under the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.02 (2) (b), 310 CMR 10.58 (4)(d) (1) (a-d), and the Sherborn General Bylaw Chapter 17 and its Regulations Section 4 and 10. It is noted there is alteration of 0 - 50' buffer zone for the installation of well and water line, this activity was found to be a minimal alteration of the no alteration zone and that there will be no adverse impact to the wetland resource, as this area will be allowed to revert back to natural buffer zone post-construction.

Mr. Gaskin moved to grant the Order of Conditions. Ms. Stiller seconded and it was voted to approve 6-0.

### **Public Hearing #3 – 52 Hunting Lane DEP No. 283-0365**

Mr. Gaskin opened the hearing at 8:31 PM. Mr. Killeen, the applicant, was present. Mr. Goddard and Mr. Merikin, the representatives of the applicant, were also present. Mr. Goddard presented the existing conditions to the Commission. He stated the project involves the demolition of the existing structures for the construction of a new single family home, along with the abandonment of the existing driveway for a new driveway in an alternate location. He stated that the existing driveway is also within the 0-50' buffer zone. Mr. Goddard then noted that the driveway is proposed to be constructed primarily within the 50'-100' buffer zone and it would involve a culvert, following the current stream crossing standards. He stated that the existing driveway is crossing over an intermittent stream. The stream, at the crossing, consists of an altered stream bed with stone bedding and armored banking. He also noted the Bordering Vegetative Wetland at the back of site. Mr. Goddard stated that new plans would be submitted.

Mr. Gaskin asked for square footage of the current and proposed impervious surface within the buffer zone. Mr. Goddard stated that there is currently 2,675 sq. feet within the 0-50' buffer zone and 1,880 within the 50'-100' buffer zone. He then stated that the overall change of impervious surface would be 1547 (about 1100 less) sq. feet within the 0-50' buffer and 4646 (+2750) sq. feet within the 50'-100' buffer. This creates less impervious surface within the inner portion of the buffer and an increase of impervious surface in the outer portion on of the buffer zone.

Mr. Goddard then noted that he had included an infiltration system for house and as well as a planted infiltration bed to compensate for the impervious surface within the buffer zone. The plan indicates that much of the existing lawn area will be returned to native buffer species/planting areas; this area will be about 7,000 sq. feet, much of which is in the no-alteration zone. The plan also indicates a proposed fence to demarcate the newly restored buffer.

Mr. Gaskin asked if the driveway could be a pervious surface but Mr. Goddard stated that the infiltration system included in the plan will create the same net effect and lead to less erosion for the driveway. Mr. Gaskin noted the improvements of quality for buffer zone with that would result from the proposed plan.

The Agent asked about whether the stockpiling location would be outside of the buffer zone and Mr. Goddard indicated it would be located at the back of the house. She then asked what type of pool would be installed and Mr. Goddard stated that it would be a salt water pool. Agent the asked for clarification on

the riprap locations on either side of stream crossing and Mr. Goddard explained that it would be installed on the slope at the top of culvert. The stream bed is to be returned to its current state. The Agent and Mr. Merikin discussed waiting until later in the season to address the stream crossing when it would be mostly dry. The applicant stated that they would abandon the connection to shared well and establish new well with the use of slurry pit during construction.

Ms. McGarry then discussed the types of plantings for the reestablished buffer zones and asked for the removal of the Japanese Knotweed on the site.

The Agent, Commission, and the applicant discussed the special conditions for the project as well as fertilizer and pesticide use. The Applicant stated that he would prefer modest applications in the lawn areas. Mr. Lesser stated that none should be applied to native planting areas and the applicant agreed. Mr. Gaskin moved to close the hearing. Ms. Stiller seconded and it was voted to approve 6-0.

Mr. Gaskin stated that while disturbance still exists it has been shifted to the outer buffer zone and therefore further from the wetland. Mr. Gaskin stated that the Commission hereby finds that the applicant has provided sufficient evidence to demonstrate that work proposed to demolish the existing dwelling and other structures on site, and construct a new single family dwelling with driveway, well, septic system, and landscaping will not cause alteration to the Bordering Vegetated Wetland or after construction as long as all conditions in the Order are met. The Applicant has proposed mitigation in the form of planting of vegetation (native shrubs) at edge of wetland resource, providing a bio-retention area for stormwater run-off from the new driveway, and restricting access to and restoring portions of the 0-50' No Alteration Zone that were originally used and landscaped and therefore the Commission finds that the Applicant has met the following performance standards as required within the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.02 (2) (b), 10.54 (4) Bank (met less than 10% or 50 foot threshold, 10.54(4)(a) for stream crossing standards, and the Sherborn General Bylaws, Chapter 17 Regulation Section 4 Burden of Proof and that the applicant provided evidence that the proposed work includes a reduction of 1100 square feet of activities within the 0-50' No Alteration Zone as well as proposed mitigation of about 7,000 sq. feet for work in the outer buffer zone.

Mr. Gaskin moved approve Orders of Conditions as proposed. Ms. McGarry seconded and it was voted to approve 6-0.

**Mr. Dowse left at 9:16 returned 9:19**

**Mr. McClintock left at 9:16 and returned 9:17**

### **Discussions**

#### **Discussion #1- Boy Scout Presentation**

Postponed

#### **Discussion #2 – Request for Amendment to Order of Conditions DEP 283-0355 for proposed conversion of porch to full addition (21 Western Avenue)**

Mr. Abelha, the applicant, was present and stated that the original approved plan showed that the existing screened porch was to be renovated. Mr Abelha requested to amend the Orders to include a full addition to the home in the location of the screened porch. The Agent and Commission discussed the changes and

that the work was to be where there already was an existing foundation. Mr. Gaskin moved that this was a minor amendment and Mr. Dowse seconded, and it was approved 6-0..

Mr. Gaskin stated that the Sherborn Conservation Commission finds that the applicant proposes to redesign the original proposed addition, the new plans now depict an addition instead of the original proposed porch. All proposed amendments shall not adversely affect any wetland resource protected under the Massachusetts Wetlands Protection Act and the Sherborn General Bylaw, Chapter 17.

Mr. Gaskin moved that the Commission shall amend the following conditions within the approved Order of Conditions, dated June 5, 2014. The Commission voted to add the new plan to the original Order of Conditions (DEP Form 5), Part I, under the heading of "General Information" in Section A, Final Approved Plans and Other Documents. This Section shall reflect the new plan, in sub-section (a) with plan titled, "21 Western Ave Sherborn, MA " by Timothy Burke Architecture, dated 1/23/15 and in sub-section (d) as revised on June 5, 2014. This plan shall included as an approved plan associated with the Order of Conditions. The Commission voted to add the new plan to the original Order of Conditions, Part II, for the Sherborn General Wetlands Bylaw, under the Findings, Section (C) add revised plan titled, "21 Western Ave Sherborn, MA " by Timothy Burke Architecture, dated 1/23/15. The Commission voted to add the language, " conversion of porch to full addition with foundation" under Order of Conditions Part II A for the proposed project approved activities. Mr. McClintock seconded and it was voted to approve 6-0.

**Ms. Tyler stopped recording and left the meeting.**

### **Discussion #3 – Forestry Work at Barber Reservation for approval on work contract**

Mr. McClintock discussed the main goals of the work proposed to restore Barber Reservation. The Agent stated that she confirmed with the Fire Chief that cutting up the stumps and burning them is allowed but it cannot occur until after January 15<sup>th</sup>. Ms. McGarry gave some alternate suggestions for handling the remnants of the plant life removed. The Commission decided that a decision would be made by Ms. McGarry and the Agent after speaking with the contractor hired to clear the area.

Mr. McClintock moved to restore the borders of Barber Reservation before June 30, 2015 by performing the following tasks:

- Excavating stumps and brush to a point that the area by the walls will be mowable in the future
- Grading said excavated areas as necessary
- Mulch excavated material to be placed on site in locations to be determined by the Agent, which could include rows for decomposition and possible larger stumps
- Treat other brushy areas of borders by some combination of raking, scraping, and brush hogging, as determined by the Agent
- Seed with a crop to be determined by the Agent
- Avoid vernal pools located on the opposite side of the rock wall

Mr. Gaskin seconded and it was voted to approve 6-0.

### **Discussion #4 – Fields at Sherborn ZBA Meeting**

Mr. Lesser reviewed the Zoning Board of Appeals (ZBA) meeting he attended on April 29. He stated that the applicant plans to submit a Notice of Intent (NOI) to the Sherborn Conservation Commission. During the Commission's review of the NOI, the ZBA will arrive at a decision on whether or not the local bylaw

will be applied. Mr. Lesser stated that the applicant is preparing the stormwater management work along with the NOI.

He then stated that because the ZBA will be hiring a consultant for peer review, and that the ZBA required more information regarding the scope of work. Therefore he and the Agent drafted a scope of work to submit to the ZBA as a suggestion for the bidding and hiring process. The Agent asked that Commission review what was submitted to ZBA to offer additional suggestions. The Agent then stated that she has consulted the Department of Environmental Protection (DEP) for suggestion on how to handle this type of a project. Mr. Lesser suggested collecting information regarding similar projects, especially those that involve work close to wetlands and any examples of detrimental repercussions to the associated resource areas. The Agent stated she would speak with Pamela Merrill from DEP to obtain any examples she may have.

### **Approval of Meeting Minutes**

**Minutes from 2/19/15- postponed**

**Minutes from 4/2/15- postponed**

**Warrants: signed by Mr. Gaskin**

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

#### **Administrative Approval**

- **26 Bullard Street (1) -Proposal for Soil Testing, approved**
- **26 Bullard Street (2) -Proposal for Soil Testing, approved**
- **17 Brook Street- Proposal to reduce deck by 50%, approved**

Mr. Gaskin moved to adjourn. Ms. Stiller seconded and it was voted to approve 6-0. The meeting was voted to adjourn at 10:31 pm.

Respectfully submitted,

Kaitlyn Kutzer

**Documents Presented at the May 7, 2015 Public Meeting**

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

**Determinations****Grey Street (Map 5 Lot 32) - Proposal to perform soil and percolation testing**

- Application and associated plans

**32 Hunting Lane- Proposal to expand the existing driveway to meet new Fire Codes**

- Application and associated plans

**Public Hearings****Public Hearing #1- 59 North Main Street (Lot 1)DEP File no. 283-0363 for a proposal to demolish the existing barn, construct one single family home of a 3 lot subdivision, with associated driveway, landscaping, and utilities consisting of well and septic system**

- Notice of Intent submitted April 6, 2015
- Plans titled, "Soil Absorption System Site Plan #59 North Main Street Sherborn Massachusetts" March 27, 2015
- Plans titled, "Stormwater Pollution Prevention Plan for Site Construction Activities at 59 North Main Street Sherborn, Massachusetts" April 1, 2015

**Public Hearing #2 – 59 North Main Street (Lot 3) DEP File no. 283-0364 for a proposal to demolish the existing barn, construct one single family home of a 3 lot subdivision, with associated driveway, landscaping, and utilities consisting of well and septic system**

- Notice of Intent submitted April 6, 2015
- Plans titled, "Soil Absorption System Site Plan #59 North Main Street Sherborn Massachusetts" March 27, 2015
- Plans titled, "Stormwater Pollution Prevention Plan for Site Construction Activities at 59 North Main Street Sherborn, Massachusetts" April 1, 2015

**Public Hearing #3 – 52 Hunting Lane DEP No. 283-0365**

- Notice of Intent submitted April 23, 2015
- Plans titled, "52 Hunting Lane Existing Conditions Plan of Land in Sherborn, MA" by Merikin Engineering, LLP dated April 23, 2015 revised April 28, 2015 and finalized May 9, 2015
- Plans titled, "Planting Plan" by Merikin Engineering dated April 29, 2015

**Discussions****Discussion #2 - Request for Amendment to Order of Conditions DEP 283-0355 for proposed conversion of porch to full addition (21 Western Avenue)**

- Notice of Intent submitted April 28, 2014
- Plans titled, "21 Western Ave Sherborn MA, 01770, Plans A0.1, x1.1, A1.1, A1.2, A1.3, A2.2" by Timothy Burke Architecture dated January 23, 2015 sub section D revised June 5, 2014
- Plans titled, "Septic System Design, 21 Western Avenue" by McIntyre Engineering and Services dated March 29, 2014 revised May 25, 2014 and finalized July 22, 2014

**Discussion #3 - Forestry Work at Barber Reservation for approval on work contract**

- Document composed by Kelly McClintock titled, “Barber Management Issues for ConsComm Meeting 5/7”

**Discussion #4 - Fields at Sherborn ZBA Meeting**

- Memorandum by Steve Gaskin, Bridget Graziano and Michael Lesser Titled, “Re; Preliminary Review of Comprehensive Permit for “The Fields at Sherborn” for Requested Waiver of Sherborn General Wetlands By-Law (Chapter 17) and Related Regulations
- “The Fields at Sherborn Comprehensive Permit Application, Town of Sherborn, MA” February 16, 2015

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