

Conservation Commission



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

October 15, 2015

Sherborn Town Hall, Room 204B

7:00 P.M.

DRAFT

Minutes of the Meeting

Commissioners Present: Kelly McClintock (KM), Michael Lesser (ML) acting Chair, Alex Dowse (AD), Jessica Pettit (JP), Andrea Stiller (AS), Carol McGarry (CM) (arrived 7:06 PM), Neil Kessler (NK)

Staff: Allary Braitsch (AB)-Conservation Agent, Heather Marusa (HM)-Administrative Assistant

7:00 PM-meeting called to order (ML).

No topics less than 48 hours in advance were noted.

Requests for Determination of Applicability (RDAs)

7:03 RDA File No. 16-10, 25 Meadow Brook Road, Map 52/A, lot 6. Porch Renovation

Mr. John Jackman, the contractor for the proposed project stated that the existing concrete steps leading to the 3-season porch do not meet code and are not sufficient for the reconstructed porch. The steps would be rebuilt in-situ to code.

AB explained that the proposed project would be within existing lawn. She suggested erosion controls (silt sock) between the work area and the on-site pond and that any stockpiling necessary be done outside of the buffer zone. Mr. Jackman drew the erosion controls on the submitted plan per the request of the Commission.

Motion to issue a Positive 2b and Negative 3 determination with the following conditions: silt sock erosion controls to be installed between resource area and limit of work, ML. Second, AD. Vote 5-0-1.

7:07 RDA File No. 16-11, 25 Page Farm Road, Map 7, Lot 117. Soil Testing

Paul Saulnier of CIVILized Solutions presented his proposal for soil testing needed for a septic system replacement. He stated that the proposed testing areas are the only viable areas due to the constraints of the lot. There will be no equipment storage overnight. AB stated that the Commission should require erosion controls.

Motion to grant a Positive 2b and Negative 3 determination with the condition of erosion controls between the work area and the resource area, ML. Second, AS. Vote 6-0.

7:10 Discussion on Barber Reservation Mowing

Ms. Jean Bednor and KM led a discussion regarding the need to mow a demonstration meadow area near the parking lot of the Barber Reservation. Ms. Bednor stated that the meadow has valuable educational and vista benefits as identified in the Conway plan and had been brush hogged 2 to 3 years ago. Currently, black walnut saplings are growing in the meadow. The area of proposed brush hogging is within the 100-foot buffer zone of an intermittent stream. The quote given to Ms. Bednor and KM for the work is \$360; however, the quote to mow other areas is \$80 less than previously approved (10/1/15) so an additional \$280 is needed from the Conservation Trust Fund to cover brush hogging the meadow area.

Motion to allocate \$280 from the Conservation Trust Fund to include brush hogging the demonstration meadow area of The Barber Reservation, ML. Second, KM. Vote 6-0.

7:28 Discussion to Approve 10-1-15 Minutes

Motion to accept 10-1-15 minutes, AD. Motion amended by ML to include the need for a guest list and documents submitted list and to incorporate changes given to HM. Second, KM. Vote 6-0.

Public Hearings

7:33-Public Hearing #1-Request for Continuation, The Fields at Sherborn

ML opened the public hearing for The Fields. The main topic of this hearing was to schedule a special meeting to discuss the applicant's reply to the Commission's request for further information as well as other issues from the Commission and the public. Based on the availability of the applicant, peer reviewer and Commissioners, the Commission decided that they would continue to October 27th at 7:00 for the special meeting. The letter with the information request will be sent 10/16/15 (questions to be given final approval by Commission in Agent's Report at end of meeting). ML noted that the meeting date could be changed if there was not sufficient time for applicant to reply to the information request.

Dan Hill, an attorney representing some neighbors to the project, stated that the ZBA and BOH are waiting on Conservation input asked whether comments from the Commission will be ready for the next ZBA meeting on the 21st. ML stated that the questions will not be ready in time for the 21st. Mr. Hill asked if the Commission had asked for more information regarding the on-site vernal pools. ML stated that vernal pools aren't protected under the local bylaw, and there is only protection at the state level. Mr. Hill asked the Conservation Commission to look at the vernal pools on behalf of the neighbors, though AB stated that this is not the correct time of year to inspect vernal pools as the areas are dry and species needed to confirm the existence of a vernal pool would not be present. Mr. Hill also questioned the proposed point source discharge to the Zone II associated with a public well in Holliston. He asked if there is sufficient information provided for the stormwater discharging to surrounding wetland systems. ML stated that stormwater issues are still under discussion and a separate letter regarding stormwater would be sent to Trask. CM stated that she would like to see the hydrology mapping of the site.

Mr. Ben Stevens, of Trask, Inc. requested that the public hearing be closed as he felt that Trask had received no information from the Commission for seven weeks. ML noted that there was

some delay due to revising an information request to a newer Trask submittal. AS stated that the Commission does not have enough information to close the hearing.

Motion to continue to October 27th at 7:00 PM. Second, AD. Vote 6-0.

7:53 Public Hearing #2 – Notice of Intent, Town of Sherborn CM&D

This is a proposal by The Town of Sherborn for a project at 161 North Main Street for the installation of two catch basins and associated appurtenances within 0-100' of a wetland resource area, as shown on Assessor's Map 10, Lot 1A.

Currently, the submission is incomplete and abutters have not been notified. The hearing was not opened and has been rescheduled to November 5, 2015.

7:53 Notice of Intent, 32 Peckham Hill Road. Replacement of septic tank, DEP File No. 283-0370.

Renee McDonough of Goddard Consulting presented the proposed project. The septic system on the property needs replacement. Erosion control barriers shall be placed along each side of the driveway and from the south-western most corner of the house continuing in a south-western direction. A small part of the project is in the outer 100-feet of the Riverfront Area, but primarily within the buffer zone. Two flags were added in the field, and Renee and AB noted that there are wetlands to the north, but they were not flagged as part of this project (they are on a different property). Peter Liffiton attended the hearing as the agent for the owner. He stated that the area had been lawn for decades and that there would be no additional encroachment.

AB asked if Renee had received a DEP filing number, an NOI filing requirement. As of this hearing, a number had not been issued by the DEP. The Board of Health needs the Order of Conditions in order to start their proceedings for the septic replacement. In order to keep the lack of a DEP number from delaying the project, the Commission reviewed the Special Conditions prepared by AB so that the Order is ready when the filing number is issued and the applicant will not have to wait until the next regularly scheduled hearing date.

AB will add to Condition #30 that disturbed areas will be restored and replanted and that there will be no tree cutting as part of the project.

Motion to close the hearing with the Conditions as reviewed, ML. Second, KM. Vote, 6-0. The Commission is still waiting for the DEP filing number.

Findings after closing:

- The project as proposed has no adverse impacts to wetland resources;
- All work proposed is in altered buffer zone and Riverfront Area;
- Erosion controls will adequately protect adjacent resources areas;
- All disturbed areas will be restored *in-situ*.

Because of these findings, the Commission permits this project with the reviewed conditions per the plan titled Septic System Construction, 32 Peckham Hill Road, Sherborn.

Motion to approve findings, ML. Second, AS. Vote, 6-0.

8:23 Notice of Intent, Lot 1, Western Ave. Proposed Single Family Home, DEP File No. 283-0371.

Renee McDonough of Goddard Consulting presented a proposal for a single family home on a 6.37-acre lot in the outer buffer zone of a BVW. The current on-site barn will be razed; a majority of the work will take place in what is now upland woods.

After the site walk, the below additions are needed on the plan:

- Erosion controls;
- Area where lawn is proposed;
- Tree line and cutting plan;
- Mitigation/cease mowing area (will protect on-site wetlands); and
- A separate landscape plan is also needed.

AS asked if any ledge was encountered during geotechnical investigations. Renee answered that none has been found.

In order to comply with the bylaw, Appendix D must be fulfilled. The applicant must do the following for Appendix D and submit a revised NOI:

- Revised table of alterations in each resource and what type (include mitigation);
- Stake the areas of the house and edge of lawn;
- Revise plans;
- Show the building envelope in the field and on the plans;
- Show that there has been an attempt to avoid impacts; and
- Finalize and show the driveway width, particularly at the entry to the joint driveway (make sure to research new fire code regulations).

Three abutters to the property were present to voice their concerns: Allan Giesen of 21 Curve Street, and Kathryn and Vander Barbosa of 16 Whitney Road. Abutter issues include:

- Erosion issues as their house is on a steep slope; and
- Proximity of proposed buildings to the required setbacks.
 - Renee stated that the surveyor will double check the setbacks

CM stated that it seems that, in the field, the slope is steeper than shown on the plan. ML stated that the pitch could be checked in the field. NK asked if there was fill proposed to level the slope. Renee McDonough stated that she would have the engineer at the next meeting to answer these questions.

CM stated that the area of the proposed project is a pristine wooded buffer, to which Ms. McDonough replied that the mitigation/cease mowing area would be a 1:1 mitigation. ML stated that there needs to be an argument made by the applicant that this project is not going to be a detriment to the environment. A discussion regarding the cease mowing area occurred and Ms. McDonough stated that successional layers of vegetation are best for wildlife (there are spring peepers in the area) and the natural environment.

AD observed that this project is not ready to move forward. Ms. McDonough stated that she would prepare the plans as previously noted and also get together a plan of the entire lot.

Motion to continue hearing to November 5 at 7:30 PM, ML. Second, AS. Vote, 6-0.

9:08 Warrant Discussion and Signing

Warrant signed by ML, acting chair.

Motion to permit ML (as acting chair) to sign off on current warrant outside of the public hearing in order to clear up an issue with one of the bills for the Barber Reservation mowing, KM. Amendment by CM that ML will report back to the Commission regarding any signed bills and that either ML or Steve Gaskin can sign. Second, AS. Vote, 4-1(AD)-1(ML).

9:20 Discussion of 7/30/15 Minutes

The Commission reviewed the 7/30/15 minutes and edits. ML stated that the minutes are now reflecting the conditions on RDAs.

Motion to approve the 7/30/15 minutes, KM. Second, AD. Vote, 5-0-1.

9:20 Administrative Approvals

AB reviewed the administrative approvals.

- 5 Peckham Hill Road
- 18 Wood Road
- 36 Ivy Lane
- 27 Oldfield Drive

No wetlands or resource areas are present on any of the sites.

9:22 Agent's Report

November 5 at 8:30, the general permit for trail maintenance will be discussed.

A discussion on the use of herbicides on Town land will take place on November 19. At this meeting, items to be discussed include:

- Invasive management
- Ed Wagner's plan from CM&D
- General care of conservation land
- Japanese knotweed management

Prior to the meeting, office staff would check in with Towns with private wells and if/how they permit pesticide application. Office staff will collect information on pesticides. It was noted by AD that there are many factors that can change the impact of herbicides-EPA, Pesticide Board and University Research. As spot treatments are proposed, the impact is much smaller than a broadcast application. ML noted that there are "organic" options such as horticultural vinegar. If CM&D is seeking approval for street-side spraying, then abutter notification should be required and residents could ask for a different method. An issue of whether the draft CM&D plan is complete was noted. It was noted that Carol Rubenstein, a resident, sent an email regarding concerns about pesticides. The issue of how and when other town entities, such as BOS, should be involved was discussed.

At the meeting on November 19, this will be a discussion item for a one-hour block at 7:30pm focusing on CM&D plan and how to proceed overall on this issue. KM will send an email to Ed Wagner.

9:52 Finalization of the Information Request Letter to Trask, Inc. for the Fields

A sentence will be added into the letter stating that this particular request does not cover the stormwater issues and concerns. No additional questions were put in the letter.

Barry Levy of a citizen committee gave a letter to CM from Scott Horsley and a document regarding a related recent legal case.

The request for information will be sent 10/16/15.

10:15 Sassamon Trace Study Update

AB met with the consultant, Lisa McIntosh from Woodard & Curran to beginning reviewing and assembling materials needed in the review.

10:16 Norfolk Hunt Request

The Norfolk Hunt Club requested to use Conservation land on October 24 and November 24. The Commission had no issue with this use, and told office staff to allow the Hunt.

10:17 Minor Change to Peace Abbey Plan

AB asked how the Commission wants to proceed with a change in the plans for Peace Abbey. A bump-out is needed in a parking area; the increase will be 10 feet by 75 feet (750 SF total) and comprised of pervious pavers and therefore are no stormwater impacts and the work will be in the outer buffer.

The Commission decided that the change is a “field change” and that no further action is required.

10:24 Eversource Stockpiling Request

AB explained that Eversource is asking permission to stockpile material from a conduit project in Framingham for 24 hours intervals within a buffer zone to BVW and an intermittent stream. The buffer zone is altered and the stockpiling area is a crushed gravel access road. The Commission requested erosion controls around the pile and along the road. ML requested that erosion controls along the road shall remain even after the stockpiling is no longer needed. Eversource wants to “re-clear” the area. The Commission wants to ensure that the fill is clean and any temporary disturbance will be corrected.

Motion to empower agent to ask for erosion controls and handle stockpiling going forward AD. Second, KM. Vote, 4-2.

10:38 Motion to adjourn, KM. Second, AS. Vote, 6-0.

Documents Presented at the October 15, 2015 Public Meeting

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

Determinations**RDA File No. 16-10, 25 Meadow Brook Road, Map 52/A, lot 6. Porch Renovation**

- Application dated September 23, 2015.
- Signed by John Thompson and John Jackman.

RDA File No. 16-11, 25 Page Farm Road, Map 7, Lot 117. Soil Testing.

- Application dated September 24, 2015.
- Signed by Jill Carroll.

Notices of Intent**32 Peckham Hill Road, DEP File No. 283-0370, Septic Construction**

- NOI dated September 30, 2015 prepared by Goddard Consulting
- Plan titled "Septic System Construction" prepared by CIVILized Solutions, dated 8/31/15.

Lot 1, Western Ave., DEP File No. 283-0371, Single Family Home

- NOI dated September 30, 2015, prepared by Goddard Consulting
- Plan titled "Septic System Construction" prepared by CIVILized Solutions, dated 8/31/15