Minutes
December 19, 2019 Commission Meeting
Town Hall, Conservation Office and Room 204B

Commissioners Present: Michael Lesser, Carol McGarry (left at 10pm), Jean Bednor, Neil Kessler (Chair), Courtney Ek, Cindy Ostrowski, Kelly McClintock (Associate Member)

Commissioners Absent: Jessica Jackson

Guest: Victor Cormier, Dhruv Kaushal, John Higley, Mark Sennott

Staff: Allary Braitsch (Agent)

The Chair, Neil Kessler called the meeting to order at 7:01 pm in the Conservation Office. The agenda was reviewed, and a discussion of what is appropriate to post to media outlets such as Next-door Sherborn was added under the 48hr rule.

Discussion

The Commission discussed budget level recommendations and a one-time funding increase request for FY2021. The Commission’s budget liaison, Dhruv Kaushal, was present for the discussion. Dhruv requested the budget worksheet the first week of January.

A MOTION was made and seconded that the Commission seeks a one time line item for an increase of $6,440.00 in FY21 to cover the work included in comprehensive inventory project. Approved 6-0.

A MOTION was made and seconded to level fund all other expenses with the exception of salaries. Approved 6-0.

Land Management Updates
Project assistance requests to Sherborn Forest and Trails Association (SFTA)
SFTA agreed that the Conservation Commission, as well as other town organizations such as Town Forest Committee and the Farm Pond Committee, are free to request assistance from SFTA at any time, and that SFTA is free to agree or say no. There is to be no expectation at any time that SFTA will agree to assist with any project.

OSRP for Annual Report
The Commission will be asked to include in our Annual Report a discussion of our implementation progress on those items for which we are the leader. We will also be invited to comment if we think the implementation tables should be revised in any way. Kelly McClintock and Jean Bednor will prepare a draft of such a report for the Commission’s review and approval.
Appropriateness of Next-door Sherborn posts
The Chair reminded Commission Members that if they are posting on Next-door Sherborn, Commissioner’s need to be clear that the viewpoints expressed are as a private resident and not on behalf of the Commission.

The Commissioners attended the Select Board Meeting at 7:30pm.
See Select Board Minutes

Notice of Intent Whitney Farm
Drew Garvin from Meridian Associates, representing the applicant, presented the Notice of Intent for the proposed project of the construction of seven residential structures (8 units) within the outer buffer zone. The Commissioners had procedural questions on the Notice of Intent as the applicant is also requesting a partial Certificate of Compliance on the same project. The Commission discussed the construction timeline for post and rail fence, vegetated path, wetland resource area place cards along the post and rail fence, pond area maintained as a natural meadow to include an annual mowing plan for the natural meadow areas.

The Commissioners asked for the applicant to provide the following additional information:
• Original impact numbers so they can be compared to current impact values;
• Flag the wetland line;
• Show the limit of work on the plan and the limit of lawn;
• Are there additional areas that could be provided as mitigation/meadow; and
• Original alternatives analysis.

A MOTION was made and seconded to continue the hearing to January 9th at 7:30pm. Approved 6-0.

Partial Certificate of Compliance- Whitney Farm
Drew Garvin from Meridian Associates representing the homeowner presented the request for the Certificate of Compliance. He outlined what items from the original Order have been completed. These are listed below:
• Roads, except for spur of Isaac Way
• Stormwater
• Portion of the path
• 13 Units
• Utilities

Items that were not completed are listed below:
• Tennis court
• Units

A MOTION was made and seconded to continue to January 9th at 7:25pm. Approved 6-0.

Request for Determination – 152 Maple Street (continued from the December 5th meeting)
The property Owner, Victor Cormier, described the proposed project and the preferred location of the garage that is to be constructed. There is approximately 350 sf of disturbance within altered outer buffer zone. A gravel splash pad for roof runoff will be installed. The Agent will review an area of altered inner buffer zone to be planted as mitigation with the applicant.
A MOTION was made and seconded to approve with a positive 2B, 5 and negative 3. Approved 6-0.
Silverwood Farm Notice of Intent (continued from the December 5th meeting)
The Chair reopened the hearing. The Commission discussed potential firms that could aid the
Commission in a peer review of the applicant and review of site conditions, impacts and potential
mitigation. Agent to look into the mechanism for hiring a consultant.

A MOTION was made and seconded to continue meeting to January 9th at 8:30pm.
Approved 6-0.

10:10 Department of Public Works (DPW) Order of Conditions extension
The Agent explained that the changes were made based on the last meeting discussion. It was suggested
that the Commission grant an extension for three years but request that Sean Kileen the Department of
Public Works Director comes back to discuss the Order of Conditions with the Commission. The Agent
has spoken with Sean and he is not in favor of wording in findings Section 2“m” as it appears to trigger a
tree hearing for removal of any tree in jurisdiction which is too narrowly focused. The Chair wants “m” to
just reference the Tree Manual. A MOTION was made and seconded that DPW extension is granted for
three years with “M” changed to reference the current tree manual policy and if none exists then add to
the OCC life, limb or property. Approved 5-0.

Discussion
- Recodification of Town Bylaw and Regulations — Concern was expressed over the
  Commissions heading being numbered 305 and 350 as the order of the numbers could pose a
  problem for people with dyslexia.
- Town Forest Red Pine Cutting Project – Commission would like the wood pile south of the
  erosion controls removed. Agent reported that cutting is scheduled to being mid-January.
- 31 Hunting Lane/41 North Main Street – Neil proposed a high-level discussion regarding what
  items should be included in the Commission’s letter to MA Housing. Neil proposed that the 7
  items identified by MA housing be used as the framework for the letter. Neil will scale the current
  letter back and comments will be sent to me before January 9th.

Minutes
No minutes were presented for approval.

Planning Board Regulations
Marian Neutra from the Planning Board distributed an updated version of the draft bylaw. Michael
expressed concerns with infrastructure language on page 4 regarding the bylaw. It shouldn’t reference the
Board of Health or Planning Board regulations in this section. Marian Neutra will include feedback given
tonight into draft that will be submitted in January.

Monitoring Visits of Conservation Restrictions
Cindy asked for feedback on how Commission has monitored properties with CR’s in the past. Agent will
compile a list of properties with CR’s held by the Commission and distribute. CO asked for feedback
from the Commission.

Signing of Warrant
Warrant was signed.

Agent’s Report
Site Issues/Questions
The Agent informed the Commission that Dan from Wellesley College replied to an earlier email about the Fields natural resource study and we can expect details about next steps soon.

**Eliot Street**
The Agent has issued a letter to the property owner asking for clarification on the activities underway on the property.

**Violations**

**81 Hunting Lane**
The applicant is working on the after-the-fact Notice of Intent but is looking for guidance on the extent of the planting plan required. Karon Catrone Skinner requested a site walk prior to the application filing for the Commission to discuss the extent of the mitigation required following the Enforcement Order which turned out not to be appropriate.

**3 Oldfield**
The Agent heard from the property owner on December 17th. She stated she’s mailing the after the fact Notice of Intent to us today. The Agent expects it in time for the December 23rd legal ad posting deadline.

The Chair requested the Agent speak with Town Counsel about timelines and when that warrants a violation and what is the Commission’s recourse to compel them to produce applications in a timely fashion.

**Administrative Approvals**
The Following Administrative Approvals were signed by the Agent as the proposed project activities are outside jurisdictional areas:

- 160 Nason Hill Lane for soil testing for new construction
- 161 Farm Road - soil testing for replacement septic system

A **MOTION** was made and seconded to adjourn. Approved 5-0. Meeting adjourned at 10:45pm.

Documents presented at the December 19, 2019 Conservation Commission Meeting

**Notice of Intent**

**Whitney Farm**
- WPA Form 5 – Notice of Intent

**DPW Order of Conditions Extension**
- Draft Order of Conditions