

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

January 7, 2014
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

Charles Katuska, Conservation Agent
Sheri O'Brien, Conservation Assistant

Absent: Chris Bajdek, Shaw Lively, Commissioners

Allen Rutberg, Chair, opened the meeting at 7:31 PM.

Discussions

Offer of Land Donation, Gretchen Lane - James Moore

Mr. Moore would like to donate two small unbuildable lots with frontage on Gretchen Lane that are not ~~perc-able.~~+ It would be less expensive for the town to accept this donation of land than to take the lots through tax title. The Parks and Rec Department is not interested in receiving this donation of land.

Mr. McGrath made a motion to accept the donation of land on Gretchen Lane from Mr. Moore. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

Open Space – “Cedar Knoll” Sudivision – Highland Street

The owner, Turk Realty Trust, of the existing Cedar Knoll subdivision would like to donate the open space land to the Conservation Commission rather than creating a Conservation Restriction. The land wraps around this cluster subdivision and has access to Highland Street.

The Agent noted that the developer needs to move the erosion controls back as they are working closer to the wetlands than they should be. The Commission would like to put ConCom ~~No Disturb~~+plaques behind the house lots to show where the open space begins. The Agent will send a memo to the Town Planner with a list of the Commission's conditions for acceptance of the land, which will include the addition of the plaques.

Voting/Approvals

Request for Certificate of Compliance – DEP #185-543A, 9 Forest Park Lane (Lot 12, Deer Creek Subdivision) – Daniel Feeney/Beals & Thomas

During the site inspection, it was noted that the yard is not nearly stabilized and the erosion controls are still in place. The erosion controls can stay in place until the lot is completely stabilized, as required in Condition #34. Therefore, a Partial Certificate of

Compliance is recommended until the lot is completely stabilized (i.e., the grass can be mowed two times).

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP # 185-543A, 9 Forest Park Lane (Lot 12, Deer Creek Subdivision). Mr. McGrath seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliance – DEP #185-753, 89 Brook Street, Garage Addition – Robert and Cynthia Foster

The site is completely stable and the grass has grown in well. There will be three conditions in perpetuity regarding: 1) the use of the garage for non-commercial purposes only, 2) fertilizers/herbicides/pesticides, and 3) snow removal and de-icing.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP # 185-753, 89 Brook Street. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliance – DEP #185-735, Well #7 & Piping, Mohawk Path & Mayflower Landing – Holliston Water Dept.

The site has been matted with erosion control products and is stable. There will be one ongoing condition regarding snow plowing and the location of the snow.

Ms. Weissman made a motion to issue a Certificate of Compliance for DEP # 185-735, Well #7 & Piping, Mohawk Path & Mayflower Landing. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

General Business

Sign Certification for Baseline Documentation Report, Adams Street CR (NStar Parcels)

Ms. Pilch has been out to review this property several times. As the Conservation Commission's representative, Ms. Pilch signed the Baseline Documentation Report (BDR) acknowledging that the BDR is an accurate representation of the property at the time of the conveyance of the CR Grant and that it has not substantially changed since the Baseline Documentation completion in May 2012.

Review ConCom Schedule for 2014

The schedule was reviewed and agreed upon for the coming year.

Public Meetings & Hearings

****New Public Meeting - Request for Determination of Applicability - #D-515:
22 Exchange Street (Assessors Map 8F, Block 2, Lot 32) . building demolition & reconstruction, 22 Exchange Street Nominee Trust, J. Hastings Trustee.**

The Agent read the legal notice that was published in the *MetroWest Daily News* on November 26, 2013.

Robert Truax and Joyce Hastings own this property which is in the floodplain. They would like to demolish one of the garage buildings and build a new building in the same place. Mr. Truax presented plans showing the existing property and the proposed plans for a similar new building with 3 garage bays underneath. They will also repave the parking lot, except for one small portion next to the building in the back. Planning Board approved the site plan in September 2013.

Ms. Pilch made a motion to issue the following Determinations for D-515: 22 Exchange Street:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands and bordering land subject to flooding are NOT confirmed as accurate;

Positive #5 Determination: the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); and
Negative #2 Determination: the work is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area; therefore, the work does not require the filing of a Notice of Intent.

Mr. McGrath seconded the motion. Unanimous. (5-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-516:**

259 Willowgate Rise (Assessors Map 9, Block 6, Lot 57) . construction of enlarged replacement deck, *Thomas Zanella/C&T Carpentry, Inc.* representing *Robert and Anna Boice*

The Agent read the legal notice that was published in the *MetroWest Daily News* November 26, 2013.

Mr. Boice presented his plans to build a 24qx 24qreplacement deck. He will be increasing the size by widening it 10q(the deck is currently 24 x 14q. The new section of the deck will be over the previously disturbed area consisting of the existing lawn. He will have Mr. Zanella, his contractor, install an erosion control barrier.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-516, 259 Willowgate Rise:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands are NOT confirmed as accurate;

Positive #5 Determination: the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); and
Negative #3 Determination: the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, the work does not require a Notice of Intent.

Conditions:

- A) Erosion control barriers, as shown on the record plan, must be installed prior to any work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed are fully restabilized with vegetation.**

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- B) No storage of construction materials or disposal of construction debris beyond the limit of the proposed erosion control barrier is allowed.**
- C) All excess excavation spoils must be removed from the site with no stockpiling on site.**
- D) Access will be from the driveway.**

Mr. McGrath seconded the motion. Unanimous. (5-0-0)

The following two hearings were considered simultaneously:

Continued Public Hearing – Notice of Intent for DEP File # 185-764: Lots 17 & 18

Kingsbury Drive – (Assessors Map 5, Block 3, Lots 54.3 & 54.4), proposed construction of a common driveway to serve two single family dwellings, *Wall Street Development Corporation*.

Continued Hearing – Notice of Intent for DEP File # 185-763: Lot 18 Kingsbury Drive – (Assessors Map 5, Block 3, Lot 54.4), proposed construction of a single family home, *Wall Street Development Corporation*.

Don Yonika, Wetland Scientist, prepared a vernal pool mitigation plan report dated December 17, 2013. The driveway drainage has been improved. The culvert under the driveway will now be level instead of being pitched, so that the applicant believes that the hydrology of the area will not be altered.

A filing will need to be made with the Army Corps of Engineers (ACOE) because work is being proposed in the 100qvernal pool envelope.

This subdivision was approved in the previous Amended Order of Conditions. This driveway between the vernal pools was shown in the plans for the Amended Order of Conditions (but not specifically approved), with the agreement that the developer would come back to the Commission for these individual lots. Mr. Petrozzi believes that this driveway project should qualify as a limited project. However, the Commission does not believe that %limited project+ status pertains to this project, because the crossing will not fill more than 5,000 square feet of BVW and an owner is not entitled to a %limited project crossing+if he has created his own hardship by selling off property that would have provided such access (1988 DEP Guidance).

There is a wetlands replication area proposed to meet the performance standards of the Wetlands Protection Act. Mr. Petrozzi said he was open to recommendations to any changes the ConCom would like to the mitigation/replication area.

The Commission asked if the removal of the ledge would affect the vernal pool. Mr. Petrozzi doesnq believe it would affect the vernal pool, because blasting has taken place very nearby for Kingsbury Drive. He hopes that the ledge will only need a hydraulic hammer to break it up.

The Commission is concerned that the hydrological flow will be affected and that there will be a significant loss of upland vernal pool habitat. They asked if the amphibian migration study that was required by the Amended Order of Conditions was ever completed. The migration study doesnq appear to have been completed, as there isnq a copy in the file and Mr. Petrozzi doesnq remember it being done. The Commission is also concerned about setting a precedent in allowing work to be done in the 100qno-disturb vernal pool zone. It doesnq seem that these lots

can be built without impacting the vernal pool habitat; however, the migration study would provide more information regarding the impact of the project on the vernal pool.

The Commission explained that the burden of proof is upon the applicant to show that there would be a negative impact to the resource areas per the Wetlands Protection Act and the Commission doesn't believe that enough information has been provided to show that there would be a negative impact. It isn't known how this project will impact the vernal pool migration and habitat.

It was agreed that the hearings would be continued until January 21, 2014 so that the Commission can summarize its concerns and so that the applicant can put together more historical information to support the project.

Ms. Pilch made a motion to continue the hearings for DEP File # 185-764: Lots 17 & 18 Kingsbury Drive and DEP File # 185-763: Lot 18 Kingsbury Drive until January 21, 2014. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

**** New Public Hearing – Notice of Intent for DEP File # 185-767: 1419 Washington Street (Assessors Map 5, Block 2, Lot 14, proposed construction of a garage and replacement septic system, Paul Saulnier/Civilized Solutions representing Bryan Sweeney**

Rachel Watsky from Goddard Construction and Paul Saulnier from Civilized Solutions presented revised plans for a new garage and a replacement septic system for a 3-family house. Ms. Watsky designed two rain gardens of 130 and 180 square feet for the run-off from the driveway. They moved the septic system outside the 50-foot buffer zone and added grading to the plan.

An Order of Conditions will be drafted for the next meeting on January 21st, 2014.

Mr. McGrath made a motion to close the hearing for DEP File # 185-767: 1419 Washington Street. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

The following five public hearing were heard simultaneously:

Continued Public Hearing – Notice of Intent for Bylaw File # B-002: Lot 86 Mohawk Path (Assessors Map 14, Block 5, Lot 86, proposed construction of a single-family house including the associated grading and site work, Peter Lavoie/Guerriere & Halnon, Inc. representing Holliston Residential Realty LLC

Five bounds were added to this lot.

Continued Public Hearing – Notice of Intent for Bylaw File # B-003: Lot 87A Mohawk Path (Assessors Map 14, Block 5, Lot 87, proposed construction of a single-family house including the associated grading and site work, Peter Lavoie/Guerriere & Halnon, Inc. representing Holliston Residential Realty LLC

Three bounds were added to this lot.

Continued Public Hearing – Notice of Intent for Bylaw File # B-004: Lot 88A Mohawk Path (Assessors Map 14, Block 5, Lot 88, proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

A bound on the property line was added to this lot.

Continued Public Hearing – Notice of Intent for Bylaw File # B-005: Lot 89A Mohawk Path (Assessors Map 14, Block 5, Lot 89, proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

Three bounds were added to this lot.

Continued Public Hearing – Notice of Intent for Bylaw File # B-006: Lot 90A Mohawk Path (Assessors Map 14, Block 5, Lot 90, proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

Two bounds were added to this lot.

The ANRs for Lots 86 through 90A were approved at the last Planning Board meeting.

Ms. Pilch made a motion to close the hearings for Bylaw File # B-002, B-003, B-004, B-005, and B-006 for Lots 86, 87A, 88A, 89A, and 90A Mohawk Path, respectively. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Ms. Pilch made a motion to issue and approve the Orders of Conditions for Bylaw File # B-002, B-003, B-004, B-005, and B-006 for Lots 86, 87A, 88A, 89A, and 90A Mohawk Path, respectively. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

The following three public hearing were heard simultaneously:

****New Public Hearing – Notice of Intent for DEP File # 185-TBD: Lot 79A Old Cart Path (Assessors Map 14, Block 5, Lot 79,** proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

****New Public Hearing – Notice of Intent for DEP File # 185-TBD: Lot 80A Mohawk Path (Assessors Map 15, Block 1, Lot 80,** proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

****New Public Hearing – Notice of Intent for DEP File # 185-TBD: Lot 81A Mohawk Path (Assessors Map 15, Block 1, Lot 81,** proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

The applicant waived the reading of the legal notices that were published in the *MetroWest Daily News* on December 31, 2013 for Lots 79A Old Cart Path and Lots 80A and 81A Mohawk Path.

Peter Lavoie presented the plans for Lots 79A, 80A, and 81A. A drainage calculation was prepared for a revised floodplain and was submitted to FEMA for a letter of map amendment (LOMA) for a new floodplain line for Lot 81A.

The NOIs were also sent to Natural Heritage, but determination letters have not been received back yet.

Bounds are proposed for each of the 3 lots. There will not be any disturbance within the 50-foot no-disturb zone. These 3 lots are on the Planning Board's agenda to be ANRed at their next meeting.

The total riverfront area is 73,498 square feet and the average area disturbed for all 3 lots is 7,340 square feet, so it is within 10% as required by the Mass Wetlands Protection Act, 310 CMR 10.58 regarding the Riverfront Area.

Mr. Lavoie agreed to continue the hearings to January 21st, 2014.

Ms. Pilch made a motion to continue the hearings for Lot 79A Old Cart Path and Lots 80A, and 81A Mohawk Path to January 21st, 2014. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

General Discussion Continued

Review Mail

The mail was reviewed.

At 10:18 PM, Mr. McGrath made a motion to adjourn the meeting. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be on January 21st, 2014.