

Meeting Minutes

Town Hall- Meeting Room #014

May 29, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Ann Marie Pilch, Shaw Lively, Allen Rutberg, Blake Mensing, Commissioners

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Jennifer Buttaro, Commissioner; Utah Nickel, Associate Commissioner

Christopher Bajdek, Chair, opened the meeting at 7:30 PM.

General Business

Vote on Draft Meeting Minutes of 4/17/18, and 5/1/18 and 5/1/18

- Draft Meeting Minutes of 4/17/18

Ms. Pilch made a motion to accept the draft 4/17/18 meeting minutes as submitted. Ms. Weissman seconded the motion. Vote passes with Mr. Bajdek and Dr. Rutberg abstaining. (4-0-2)

- Draft Meeting Minutes of 5/1/18 continued to the June 12, 2018 meeting.

- Draft Meeting Minutes of 5/15/18

Ms. Pilch made a motion to accept the draft 5/15/18 meeting minutes with the discussed edits. Mr. Lively seconded the motion. Vote passes with Mr. Mensing and Ms. Weissman abstaining. (4-0-2)

Request for Certificate of Compliance, #86 Washington Street (DEP #105-099)

Documents: WPA Form 8A, Letter from GLM dated 5/15/18, Plan . %Pool As-Built Plan+dated 5/15/18

- Mr. Clapp reported that the original filing was to construct a single family house. The original order is about 40 years old and at the time the property was part of 86 Washington Street. It is now 24 Washington Street. He performed a site visit on 5/24/18 and found it to be within substantial compliance.

Ms. Pilch made a motion to issue a complete Certificate of Compliance for DEP file #185-099: #86 Washington Street as drafted. Dr. Rutberg seconded the motion. Motion passes unanimously (6-0-0)

Request for Certificate of Compliance, #24 Washington Street (DEP #185-163)

Documents: WPA Form 8A, Letter from GLM dated 5/15/18, Plan . Pool As-Built Plan+dated 5/15/18

- Mr. Clapp reported the filing was for the installation of a pool. He performed a site visit on 5/24/18. He found the pool to be within substantial compliance

Ms. Pilch made a motion to issue a complete Certificate of Compliance for DEP file #185-163: #24 Washington Street as drafted. Mr. Mensing seconded the motion. Motion passes unanimously (6-0-0)

Discussion: Solect NOI

- Attorney Peter Barbieri representing Solect Energy reported that the original OoC was obtained in 2004 to construct a commercial building. The order has expired but much of the work has been completed except for the construction of the building. At the time the Commission charged one fee for the entire project and he would like to pay the same fee as before to file the new NOI to complete the project. He does not believe that each individual project on the property that falls within the Commission's purview should be charged a separate fee but should just be charged the one fee. He also stated that being charged one fee would allow his client to pave the handicap section of the parking lot created for the town but that it wouldn't be paved if they were charged individual fees because of the expense involved.
- Dr. Rutberg expressed concerns that the detention basins were failing and wanted to ensure they were included in the project.
- The Commission decided to charge the one fee as had been done in the past to promote consistency.

Discussion: Washington Hills Fence

- Mr. Clapp reported that this is a Pulte subdivision on Washington Street. There is a steep grade that the residents are concerned about and would like a fence installed. The location is mostly outside of the 100-foot buffer zone and completely outside the restricted area. The proposed fence is a two-rail split rail fence. He recommends a minor modification to the OoC to allow for the fence installation.

Mr. Lively made a motion to accept the installation of the fence as a minor modification to the OoC for DEP #185-658 and to allow Mr. Clapp to administratively update the OoC. Dr. Rutberg seconded the motion. The motion passes unanimously (6-0-0)

Discussion: #7 Minuteman Circle Partial Certificate of Compliance

- Mr. Clapp reported that the homeowner would like to extend his deck by either 10 or 15 feet whichever he would be allowed to do. The extension would be away from the wetlands and the septic system. A partial Certificate of Compliance has been issued on the property and is just awaiting lawn stabilization and the installation of a wetland placard.
- Mr. Clapp recommended the owner apply for a Determination of Applicability and the Commission concurred.

Re-Issuance of OOC DEP File #185-837 - #260 Adams Street

Documents: WPA Form 5 . Order of Conditions for DEP #185-837 for #260 Adams Street

- Mr. Clapp reported that recordkeeping during staff transition was not kept up to date and a previously issued DEP number had been assigned to this property in error. The correct file number should be DEP #185-837. He has generated a new document and requested that the Commission sign the corrected form and be re-issued to the applicant.
- DEP #185-837 was signed by the commissioners in attendance.

Tree Removal Request - #137 Hill Street

- Tim Donohue, property owner, appeared before the Commission. He stated that he has trees on his property that are dead or that have fallen down on his property. He has two (2) oak trees, one near his barn that fell across the brook and one that fell along his driveway. He has about seven (7) ash trees in the front of his property that are dead and pose a safety issue.
- Mr. Clapp reported that he visited the property and he noticed exposed roots near the driveway and some of the trees were leaning.
- Mr. Lively questioned what purview the Commission had on the property and Mr. Clapp responded that most of the property is within wetlands or the 50qbuffer zone.
- Ms. Pilch mentioned that dead trees are habitat for wildlife and have value however she does recognize a safety issue.
- Mr. Lively recommended that as little disturbance as possible should be made to the site and only remove the safety hazard. Leave the stumps in place.
- The Commission felt comfortable that the owner would leave in place what he could and leave the stumps in place.
- Mr. Clapp will send a letter to the owner authorizing the tree removal.

Signing of the Conservation Restriction for #415 Concord Street

Documents: Conservation Restriction; Grantor: Pulte Homes of New England, LLC, Grantee: Town of Holliston, acting by and through its Conservation Commission; Address: #415 Concord Street, Holliston, MA

- The Commission members present had no comments.
- The Conservation Restriction for #415 Concord Street was signed by the Commission members present; Mr. Bajdek, Ms. Weissman, Mr. Lively, Ms. Pilch and Dr. Rutberg (Blake Mensing abstaining) in the presence of Attorney Blake Mensing, Notary Public.

Review Correspondence

- Eversource Energy sent a DAR notification regarding herbicide applications along power line rights-of-ways dated May 12, 2018
- Algonquin Gas Transmission LLC sent notification of clearing/cutting trees and brush along the rights-of-ways dated May 23, 2018
- Mr. Clapp presented the proposal by Oxbow Associates dated May 15, 2018 for the Peer Review of %Open Space J+at the Highlands of Holliston in the amount of \$3500.00.
- Mr. Clapp reported that the budget for the Conservation Commission for FY2019 has been approved.
- Mr. Clapp reported that he has posted the open Commissioner position for ConCom. The deadline to receive applications is June 22, 2018.
- It was recommended that Mr. Clapp obtain Notary Public credentials at Commission expense for Commission work.

PUBLIC HEARINGS/PUBLIC MEETINGS

Request for Determination of Applicability File #D-629: #8 Adam Wheeler Lane (Assessors Map 6-3-40) for proposed construction of a retaining wall with backfill and a privacy fence, *Davood Ansari Oghol Beig*

Documents: WPA Form 1, Plan submitted by the property owner, %Adam Wheeler Lane+dated 5/1/18

- Mr. Clapp reported that he received an e-mail from the homeowner requesting that the hearing be postponed to a future meeting. He is still trying to gather proposals from landscapers.
- Ms. Pilch stated she drove by the property and observed the area from the road. She believes the use of vegetation on the graded slope will work to stop the erosion. She noted the neighbor is a distance away and questions the need for a privacy fence. She believes the installation of the patio may have added to the erosion problem.
- Ms. Weissman noted she is unclear on the source of the erosion and suggested it might possibly be old fill.
- Mr. Bajdek was concerned the applicant is expanding the yard into the wetlands.

Mr. Lively made a motion to continue the meeting for #D-629: #8 Adam Wheeler Lane until the June 12, 2018 meeting. Mr. Mensing seconded the motion. The motion passes unanimously (6-0-0)

Notice of Intent DEP File #185-816 Amendment #2: #657 Concord Street (Assessors Map 14-4-3) to amend the Order of Conditions to complete the construction of a single family house, a partially constructed front porch, install water service, paved driveway and construct a 16x16 deck, *Daniel Hazen of Guerriere and Halnon, Inc.* representing 657 Concord Street Realty LLC

Documents: WPA Form 3, Plot Plan %657 Concord Street+dated 3/19/18, Revised Plot Plan %657 Concord Street Site Development and Facilities Plan+dated 5/29/18

- Mr. MacKinnon of Guerriere and Halnon, representing Daniel Hazen of Guerriere and Halnon, submitted a revised plot plan dated 5/29/18. The revised plans show the construction of the circular retaining walls (2) and a 2x4 patio block with stairs added to the back of the building for needed egress from the basement. It also includes plans to install armored riprap with blue rug juniper to hold the slope. A walkway has been installed at the front from the driveway to the front door. He agrees that the original plans differ from what was built but the new plans represent what exists.
- Mr. Bajdek questioned if the lot had been cleaned up.
- Mr. Clapp reported that erosion control had been implemented, the stock piles have been cleaned up both inside and outside the erosion controls. He noted the DEP sign had been installed but seemed to be made of temporary materials and would like to see a more permanent sign installed.
- Mr. Clapp stated that he would have the OoC ready for the next hearing date.

Ms. Weissman made a motion to close the hearing for DEP #185-816 Amendment #2: #657 Concord Street to the May 29, 2018 meeting. Mr. Mensing seconded the motion. The motion passes unanimously (6-0-0)

Notice of Intent DEP #185-835: Open Space "J" Highlands Village Subdivision (Assessors Map 14-5-32.1) to install new erosion control measures for an existing swale, *Dale MacKinnon of Guerriere and Halnon, Inc.* representing *Rick Terrill of Holliston Residential Realty LLC*

Documents: WPA Form 3, Letter from Guerriere and Halnon dated 4/12/18, Plot Plan ~~W~~Watershed Plan of Swale Open Space Area J in Holliston MA+dated 4/3/18, email from Brian Butler of Oxbow Associates dated 5/25/18, untitled response from Dale MacKinnon received at the meeting 5/29/18

- Mr. Clapp reported that due to a technical glitch and a holiday weekend, Oxbow Associates were unable to complete the review but offered some preliminary comments which were shared with Mr. MacKinnon.
- Mr. MacKinnon reported he received the preliminary comments made by Oxbow Associates. He read the comments made by Mr. Butler of Oxbow Associates and responded to each.
- Mr. MacKinnon stated it would take him three (3) days to complete the 900qtrench of hydro-seeding and hand seeding and that he would make sure this work was done when three (3) days are predicted to be rain free.
- Mr. Bajdek questioned how the area would be stabilized and what the installation process consisted of.
- Mr. MacKinnon responded that they will install a Curlex Enforcer erosion control blanket that has staples which fasten it to the ground. The loam and seed will be held in place with the Curlex Enforcer. They will start at the bottom of the swale and work their way up.
- Mr. MacKinnon requested an extension for the installation of plants as required by the enforcement order final agreement. He would like until 7/15/18 to complete the plantings because this application has not yet been finalized.
- Mr. Clapp stated the area in question with the Final Agreement and Restoration Plan and the swale in this application are separate from one another. The outcome of this application should not impact the ability of the owner to move forward with completing the work to satisfy the agreement. Mr. MacKinnon begged to differ with this assessment.
- Mr. Lively was concerned with the time frame of three (3) days and suggested another day may be needed.

Mr. Lively made a motion to continue the hearing for DEP#185-835; Open Space "J" Highlands Village Subdivision to the June 12, 2018 meeting. Mr. Mensing seconded the motion. The motion passes unanimously (6-0-0)

Request for Determination of Applicability for #D-630: #102 High Street Assessors Map 11-5-2) for proposed replacement of a septic system, *Joyce Hastings of GLM Engineering* representing *Sandra Shepard, owner*

Documents: WPA Form 1, Plot Plan ~~B~~Proposed Sewage Disposal System #102 High Street+ dated 4/25/18

- Joyce Hastings of GLM Engineering waived the reading of the legal notice.
- Ms. Hastings reported that the current septic system has failed. They will be tying into the existing tank and the chambers are on a bed of stone. The access point will be from the driveway. There is very little if any grade change so they will use straw wattles as erosion control.
- Mr. Lively asked what will be used to dig and Ms. Hastings replied that a machine will be used to dig it out.
- Ms. Pilch asked if there would be any fill storage on the property. Ms. Hastings responded that some loam may be in the 100qbuffer zone but that it will be contained by the erosion controls in place.

- Mr. Clapp reported that he visited the site on 5/25/18. It is a straight forward plan. Mr. Moles, Health Director indicated that the plans show a koi pond with grassy areas around it. Currently the areas around the koi pond are paved. MA regulations allow for this activity as an exemption. Mr. Moles suggested mitigation plantings along a portion of the yard.
- Ms. Hastings responded that the replacement system is an upgrade and the owners should not be penalized for having their system fail by a mitigation planting requirement. The upgraded system should be mitigation enough.
- Mr. Bajdek was concerned with a break in the stone wall at the rear of the property and the possibility of dumping in the wetlands.

Mr. Mensing made a motion to issue a negative 3 Determination of Applicability for #D630: #102 High Street. Ms. Pilch seconded the motion. Vote passes unanimously. (6-0-0)

Request for Determination of Applicability for #D-631: #1380 Washington Street (Assessors Map 5-1-15) for proposed removal of a stand of cedar trees, saplings and scrub overgrowth to clear and restore a pasture, *Samuel Hiser, owner*

Documents: WPA Form 1, Map of #1380 Washington Street

- Samuel Hiser waived the reading of the legal notice.
- Mr. Hiser indicated he would like to clear an area that had been used by the previous owner of the property as a pasture for a pony so that he could pasture horses in the future. He would like to remove a stand of cedar trees that border the 100' buffer zone. Cedar trees are poisonous for horses. He would grind the stumps down. He would also like to install a fence at the 100' buffer zone line to corral the horses.
- Ms. Pilch asked if the cedars were red or Atlantic white and Mr. Hiser stated he believed they were just common red cedars.
- Mr. Clapp reported that the cedars are just outside the 100' buffer zone but the area is densely vegetated. The removal of the trees and other brush will likely have some impact on the buffer zones.
- Ms. Weissman stated that because of the grading work and the fencing proposed on the property, the wetlands should be delineated. She offered to review the property but not formally delineate them for the owner. Mr. Clapp will coordinate this.

Ms. Pilch made a motion to continue the meeting for #D631: #1380 Washington Street to the June 12, 2018 meeting. Mr. Mensing seconded the motion. Vote passes unanimously. (6-0-0)

Request for Determination of Applicability for #D-632: #185 Cedar Street (Assessors Map 14-3-1) for temporary access for soil testing Joyce Hastings, GLM Engineering, representing Indian Ridge Realty Trust, David Adams, owner

Documents: WPA Form 1, Plot Plan %Proposed Temporary Access, 185 Cedar Street, Holliston MA+dated 5/15/18

- Joyce Hastings of GLM Engineering waived the reading of the legal notice.
- Ms. Hastings reported that an ANRAD had been performed on the property earlier in the year. They need to perform soil testing and they have limited access across the property. They need to do 1-2 days of soil testing. The best way to get on and off the site is through the wetlands as indicated on the plan. They will be putting down rubber blasting mats to protect the vegetation as they move the machinery in and out. This will be a one time in and one time out scenario. They will remove the mats after the machinery is on site and will store them in the 100qbuffer zone. A path is already in place and they will use it to limit their impact. All testing will be done outside the 100qbuffer zone.
- Mr. Mensing questioned what the soil testing was for and Ms. Hastings responded that it is for a septic system for a house or perhaps a future development.
- Mr. Lively recommended that there be some flexibility in when the work is completed to accommodate for rain. He would prefer the work to be done when no rain is predicted and the path will be dryer allowing for the least amount of impact on the wetlands.
- It was recommended that appropriate notice and approval be received from the Conservation Agent prior to work commencing.

Mr. Lively made a motion to issue a Negative #3 Determination of Applicability for #D632: #185 Cedar Street with conditions as discussed. Ms. Weissman seconded the motion. Vote passes unanimously. (6-0-0)

Notice of Intent DEP #185-840: #682 and #692 Concord Street (Assessors Map 14-3-4.3 and 4.4) to complete construction of the common road for use of #682, #692 and #702 Concord Street, Dale MacKinnon of Guerriere and Halnon, Inc. representing Rick Terrill of 126 Residential ANR Realty, LLC

Documents: WPA Form 3, Letter from Guerriere and Halnon dated 5/14/18, Plot Plan %As-Built Special Permit Plan for Common Driveway Lot #3A, #4A, and #5A Concord Street+dated 5/7/18,

- Dale MacKinnon waived the reading of the legal notice.
- Mr. MacKinnon stated he believed all the work had been done except the common driveway and that is what this filing was supposed to complete. He has since learned that the individual driveways have not received their finish coat of asphalt. The work done on the common section of the driveway will entail excavating the 100qof existing asphalt and gravel and laying down 4+of crushed stone, then a binder layer and a final top coat. This should take approximately 4 hours to complete. He is unsure of what to do about the individual driveways.
- Ms. Weissman recommended that Mr. MacKinnon obtain signatures from the owners and re-issue an abutters notification along with composing a new narrative which shall include the new paving on the individual lots.
- Mr. Bajdek was concerned about the erosion control and requested that the applicant make sure they were in place and in good shape prior to any work being done.

Ms. Pilch made a motion to close the public hearing on DEP #185-840: #682 and #692 Concord Street pending the submission of revised plans. Mr. Lively seconded the motion. Vote passes unanimously. (6-0-0)

Mr. Lively made a motion to adjourn the meeting at 10:08 PM. Dr. Rutberg seconded the motion. The motion passes unanimously (6-0-0)

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