

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

February 4, 2014
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder (Arrived at 7:40 PM), Rebecca Weissman, Commissioners

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

Absent: None

Allen Rutberg, Chair, opened the meeting at 7:32 PM.

General Business

Public Records Request – Wall Street Development Corporation - L. Petrozzi

In a letter dated January 14, 2014 and received on January 17, 2014, Lou Petrozzi made a public records request for documents related to the adoption and administration of Article XXX, the Holliston Wetlands Administration Bylaw and the Holliston Wetlands Administration Bylaw Regulations. The Agent replied with a good faith estimate and a check has been received from Mr. Petrozzi. The staff will put together the documents.

Open Space Updates:

Gretchen Lane Donations – Jim Moore –

Ms. Pilch made a motion to recommend to the Board of Selectmen that the town accept these two lots on Gretchen Lane so that the lots will be in the care and custody of the Conservation Commission. Ms. Weissman seconded the motion. Unanimous. (6-0-0) (Mr. Schroder was absent at this point in the meeting.)

Connelly Way – Paul Themeli –

For this 4 lot Open Space Residential Development (OSRD), the Planning Board required a Conservation Restriction (CR). Instead of a CR, Mr. Themeli has proposed that he simply donate the open space land to the Conservation Commission. Mr. Themeli is not done working in the Open Space property, because there are construction and grading easements within the Open Space area that he needs to utilize while completing the house lots. Therefore, he is not prepared to donate the property yet. There has also been encroachment into the buffer zone at the back of the project, which the Agent needs to examine and discuss with Mr. Themeli. Some additional plantings may be necessary in the open space for stabilization purposes and so that the easement areas are actually vegetated open space land.

Lake Winthrop Management and Revitalization

The Lake Winthrop committee met recently and Mr. Lively explained that they decided to call it the Lake Winthrop and Watershed Revitalization committee, since the lake is a big part of the town's recreational resources and they also want to address recreational activities. The committee is in the process of compiling a survey of the community that they will make public in March. The survey will help them prioritize the committee's goals. There are spin-off groups for different interests. There is interest in a boat house for Stoddard Park and connecting the rail trail to the public areas on the lake. There was a Fire and Ice get together two weekends ago and they had a good turn-out. Mr. Lively met with Janice Miller of the Lake Winthrop Watershed Association (LWWA) this past Saturday and it seems the LWWA and the Revitalization Committee have common goals.

Mr. Schroder arrived at 7:40 PM.

Vote on Draft Regular Meeting Minutes from 7/9/13, 8/6/13, 8/20/13,

Mr. McGrath made a motion to approve the meeting minutes from July 9, 2013. Ms. Pilch seconded the motion. Mr. Bajdek and Mr. Schroder abstained. The motion passed. (5-0-2)

Mr. McGrath made a motion to approve the meeting minutes from August 6, 2013. Ms. Pilch seconded the motion. Dr. Rutberg, Mr. Lively and Mr. Schroder abstained. The motion passed. (4-0-3)

Mr. Lively made a motion to approve the meeting minutes from August 20, 2013. Ms. Pilch seconded the motion. Dr. Rutberg, Ms. Weissman, and Mr. Schroder abstained. The motion passed. (4-0-3)

Mr. McGrath made a motion to approve the meeting minutes from September 3, 2013. Ms. Pilch seconded the motion. Dr. Rutberg, Ms. Weissman, Mr. Schroder abstained. The motion passed. (4-0-3)

Vote on Draft Executive Session Minutes from 7/9/13

Mr. McGrath made a motion to approve the Executive Session meeting minutes from July 9, 2013. Mr. Lively seconded the motion. Mr. Bajdek and Mr. Schroder abstained. The motion passed. (5-0-2)

Review Mail

The mail was reviewed. The Conservation Commission has subscribed to a new magazine called *Northern Woodlands*.

FY2015 Budget

Review of the budget was tabled to the next meeting on February 18th. The Agent has inquired if the FinCom can change the ConCom's review date from March 11th to a ConCom meeting night on March 4th or 18th, but a response has not been received yet.

Public Meetings & Hearings

The following three public hearing were heard simultaneously:

Continued Hearing – Notice of Intent for DEP File # 185-768: 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*

Continued Public Hearing – Notice of Intent for DEP File # 185-769: 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*

Continued Public Hearing – Notice of Intent for DEP File # 185-770: 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 NHESP letter of determination has been received. A Letter of Map Amendment is still required from FEMA for the proposed change to the floodplain line.

Ms. Weissman made a motion to close the hearing for DEP File # 185-768, Lot 79A Old Cart Path. Ms. Pilch seconded the motion. Mr. Bajdek and Mr. Lively abstained. The motion passed. (5-0-2)

Ms. Pilch made motion to approve and issue an Order of Conditions for DEP File # 185-768, Lot 79A Old Cart Path. Mr. Bajdek and Mr. Lively abstained. Mr. McGrath seconded the motion. Unanimous. (5-0-2)

Ms. Pilch made a motion to continue the hearings for DEP File # 185-769 and 185-770, Lots 80A and 81A Mohawk Path, respectively, to February 18, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

The following two hearings were heard simultaneously:

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-727: Lot 2 Concord Street (previously Lot 5 Squanto Path) (Assessors Map 14, Block 3, Lot 4.5), proposed modifications of property boundaries and lot layout associated with the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-729: Lot 6 Concord Street (Assessors Map 14, Block 3, Lot 4.6), proposed modifications of property boundaries and lot layout associated with the grading and site work proposed for the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Mass Highway denied the applicant's curb cut location for the originally proposed subdivision roadway. Therefore, there will be 4 lots that have frontage directly on Concord Street instead of the 6 lots in the subdivision and there won't be a subdivision roadway. Instead of one roadway, **APPROVED Conservation Commission Minutes 02-04-14**

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there will be two common driveways with two lots off of each driveway. The first two lots and common driveway that they are applying for are Lot 6 and Lot 2 Concord Street. In order to create this common driveway and the individual driveway for Lot 2 (previously Lot 5 Squanto Path), additional disturbance has been proposed between the 50 and the 100qbuffer zone lines. Mr. Lavoie explained that this needs to be done in order to avoid a wetland driveway crossing for Lot 6 off of Concord Street. Previously, the driveway for Lot 6 came off of Squanto Path via an easement across the back of the former Lot 5 Squanto Path.

Lot 6 Concord Street was previously issued an %Approval Not Required+by the Planning Board to reconfigure it within the subdivision. This time, the lot has been reconfigured so that the driveway does not access its own frontage to avoid the need for a wetland crossing. Therefore, according to the Building Inspector/Zoning Officer, Peter Tartakoff, the lot needs a Variance from the Zoning Board of Appeals. The applicant has not applied for this Variance yet.

Mr. Lavoie explained that Lot 6 will definitely need bounds for the 50qNo-Disturb Line, but he still has to put them on the plan.

Lot 2 Concord Street has been increased in size and includes property where the subdivision roadway was originally located.

Mr. Lavoie requested that the hearing be continued to February 18, 2014, so that they can investigate the need for a ZBA Variance for Lot 6 Concord Street.

Ms. Pilch made a motion to continue the hearings for the Amendment to the Order of Conditions for DEP File # 185-727, Lot 2 Concord Street, and DEP File # 185-729 : Lot 6 Concord Street to February 18, 2014. Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

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*.

Mr. Lou Petrozzi, President of Wall Street Development Corporation, was present. A draft letter dated February 4, 2014 from the Agent to Mr. Petrozzi was reviewed. The letter outlined the common driveway crossing and vernal pool related issues related to the two Notice of Intent listed above. The following five requests for information were reviewed:

- 1) Revise both sets of NOI project plans to include ALL areas subject to protection under the applicable jurisdictions.
- 2) Revise the NOI project plans to address the requirements of the applicable river and stream crossing standards.

- 3) Submit a detailed wildlife habitat evaluation of project-related impacts to Bank and Vernal Pool habitat in accordance with the requirements of the Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands (MassDEP, 2006)
- 4) Provide a tabular quantification, by lot, of the existing areas and direct losses of vernal pool habitat and vernal pool buffer zone as defined pursuant to Section 2.3 of the Holliston Wetlands Administration Bylaw Regulations.
- 5) Submit, or provide evidence of a contract for, the final amphibian migration study required under Special Condition 56 of the Order of Conditions issued to you under DEP File # 185-441.

Mr. Petrozzi disagreed with the bank issue at the crossing and believes that it is just an outcropping of rock. He has not been to the site for about 12 years, but his recent site visit observations indicate that the large roots and boulders in the outcropping can be easily broken up and moved without having to blast. Mr. Petrozzi is willing to add a condition to the Order of Conditions that would prohibit blasting. He also offered to put together a Construction Sequence for the project to help alleviate any concerns.

The Commission emphasized that their main concern was the impact the crossing project would have on the vernal pool. Since vernal pool migration season will be coming up soon in the Spring, the timing of a migration study needs to be kept in mind.

The Commission did not have any additional information to add to the letter. The Agent will issue a final copy of the letter to Mr. Petrozzi.

In order to have time to review the information requests, Mr. Petrozzi agreed to continue both hearings until March 4, 2014.

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 March 4, 2014. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Abbreviated Notice of Resource Area Delineation**

(DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” (Assessors Map 4, Block 4, Lot 56.8, Map 4, Block 4, 57.2, and Map 5, Block 3 Lot 31, respectively), verification of the limits of the areas subject to wetlands protection jurisdictions, *Scott Goddard/Goddard Consulting LLC* representing *Steve O’Leary/O’Leary Builders Inc.*

The Agent read the legal notice that was published in the *MetroWest Daily News* on January 28, 2014.

Scott Goddard presented an existing conditions plan dated December 11, 2013 for the Resource Area Delineation referred to as Katie’s Way, which includes the 3 Assessor lots listed above. The bordering vegetated wetland line (A1 through A24) behind 65 Kim Place will be extended to the west as requested by the Agent. Flag A10 will also be moved slightly north. An adjustment in the easterly BVW line between flags A16 and A18 will be made to move the line slightly more upgradient with the addition of approximately 5 flags. Approximately 400 feet east of flag A18, Mr. Goddard identified an isolated vegetated wetland that he believes doesn’t drain anywhere else. The Agent and Mr. Goddard also identified a deep during their site walk that was located north of the isolated vegetated wetland close to the property line.

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Mr. Goddard and Mr. Katuska agreed that they would need to review these modifications and the entire delineation with a follow-up site walk once the snow has melted.

As an abutter to these properties, Carl Damigella of 448 Underwood Street, asked to see the plan location of the seep as it relates to his property. Mr. Goddard showed him the location of the seep on the plan.

In order to allow time for the snow to melt so that a follow-up site visit can be complete, Mr. Goddard agreed to continue the hearing to March 18, 2014.

Ms. Pilch made a motion to continue the hearing for DEP File # 185-771, 65 Kim Place, Underwood Street, and Walnut Road until March 18, 2014. Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

General Business Continued

Vote on Request for Certificate of Compliance for DEP File #185-745, Indian Ridge Road, South – Subdivision Roadway & Drainage Structures (previously James Road) – P.G. Construction

Paul Germano requested a Partial Certificate of Compliance for DEP File # 185-545 in order to release 56 Indian Ridge Road South (Lot 188) from the subdivision roadway Order of Conditions, because he is in the process of selling the single family house. However, on further investigation, it was found that the roadway was accepted by the Planning Board on January 5, 2012. As the road and drainage structures are complete and stabilized, the issuance of a full Certificate of Compliance is possible at this time. This Certificate of Compliance will also cover Lots 184, 185, 186, 187, and 189.

Ms. Pilch made a motion to issue the Certificate of Compliance for DEP File #185-545, Indian Ridge Road, South. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

At 9:24 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be on February 18, 2014.