

## **Holliston Conservation Commission**

### **APPROVED Meeting Minutes**

Town Hall . Meeting Room #014

May 13, 2014

7:30 PM

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

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

Absent: None

**Allen Rutberg, Chair, opened the meeting at 7:33 PM.**

### **General Business**

#### **Open Space Updates –**

##### **Bullard Farm LAND Project Agreement**

The Bullard Farm LAND (Local Acquisitions for Natural Diversity) Project Agreement was reviewed with George Johnson from the Open Space Committee. This project (Holliston LAND #8) will consist of the acquisition a Conservation Restriction of 112 ± acres of land located at Central and Bullard Streets and known as the Bullard Memorial Farm project. The Commission signed two copies of the LAND agreement.

#### **Informal Discussion**

##### **Eagle Scout Project – Boardwalk/Peter Goeller**

The Agent spoke to the Fire Chief and the Chief Cassidy said he was willing to accept a width of 12-13 feet for the fire road that would parallel the proposed boardwalk. Master Goeller will do some more measuring to see if this width might be feasible.

##### **1201 & 1225 Washington Street Flooding Issue – Justin Brown & Doug Foss**

Mr. Foss from 1225 Washington Street was present. The Agent visited 1201 Washington Street/Newfound Farm with Mr. Brown and his attorney and Mr. Katuska indicated that a filing would need to be made with the Conservation Commission for the unpermitted work that has been done on his property.

The Agent had told Mr. Brown that removing the berm/dam is an emergency situation to alleviate the flooding in Mr. Foss's backyard. Mr. Katuska hoped that Mr. Brown and Mr. Foss could work together to remove the dam, so that water could flow in the stream channel again. Mr. Foss was concerned that just removing the dam would not restore flow into the channel, because the channel has been filled. Mr. Foss did not want to dig out the channel without permission from the Conservation Commission.

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The Commission believes that a Notice of Violation should be sent to Mr. Brown for the work he has done in the Commission's jurisdiction without approval from the Conservation Commission. With Mr. Brown's permission, the Agent will visit 1201 Washington Street tomorrow.

### **6 Open Space Parcels of Land – Certificates of Land Transfer from BoS to ConCom**

The following 6 parcels of land were recorded at the South Middlesex Registry of Deeds and are now officially in the care and custody of the Conservation Commission:

Map 7 Block 7 Lots 381, 380, 384 located off Juniper Road

Map 7 Block 5 Lot 24 located off Alpine/Hanlon Road

Map 11 Block 2 Lot 144 located off Mellen Street

Map 4 Block 2 Lot 37 located off Adams Street

### **Public Meetings & Hearings**

*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 Public 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. Petrozzi, President of Wall Street Development Corporation, and Brian Butler and Erynn Marshall from Oxbow Associates were present to discuss the Vernal Pool Habitat Evaluation dated May 7, 2014. Mr. Butler presented a plan showing two vernal pools lying within Lots 17 and 18 Kingsbury Drive (~13.5 acres). Mr. Butler summarized his report and explained that there are two vernal pools. The West Pool (~1 acre) and the East Pool (~0.05 acre). A third pool that had been identified as a vernal pool in the past has been determined not to be a true vernal pool by both Mr. Butler and Mr. Katuska.

The West Pool is about 1.5 -2.5' deep. It is a good wood frog pool, but not as good for spotted salamanders, because it has a steep north facing slope which is the last to warm up. The West Pool was still almost completely frozen on April 3<sup>rd</sup>. The East Pool is about 1' deep at its deepest and is a better vernal pool for spotted salamanders and wood frogs. On April 3<sup>rd</sup>, it was thawed and a wood frog chorus could be heard.

Mr. Butler believes they can build a spanning structure over the boulder for the stream crossing between the vernal pools in place of a conventional crossing. He also suggested installing a couple of dry bottom culverts (about 1 x 3' under the driveway to assist with migration under the driveway if the Commission sees fit.

Out of the 13.5 acres, 2.4 acres will be developed. The driveway should not be an impediment to the wood frogs migrating to upland forest areas that are available for habitat. The spotted salamander shows only a modest breeding effort due to the physical attributes of the two pools.

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There may be the opportunity to enhance the West Pool by moderate manipulation of the outlet invert. Increasing the water retention, could have significant effects on its utility to vernal pool species.

When asked by the Mr. McGrath if there will be an adverse impact on the wildlife habitat, Mr. Butler, explained that the answer is a ~~qualified~~ yes. + There will be an impact on the vernal pool species, because they will lose 90% of the house lot footprints (90% of 2.4 acres) as habitat. However, the wood frogs and spotted salamanders have other alternatives for habitat location within the 13 acres besides the building lot footprints. All and all, these are modest vernal pools, with modest upland habitat, and the construction will have a modest impact on the vernal pool species. Mr. Petrozzi is willing to accept limitation on the time of year that construction of the crossing takes place. He planned on doing the construction during the driest time of year in July and August. The Commission felt that limiting the time of year only needed to apply to construction of the driveway.

The Commission now feels more comfortable with the vernal pool habitat and vernal pool wildlife migration. The Commission would like to see an engineering plan for the spanning structure (open bottom) over the intermittent stream between the two pools. Mr. Petrozzi asked for the hearing to be continued to the next meeting on May 27, 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 to May 27, 2014. Ms. Weissman seconded the motion. Unanimous. (7-0-0)**

**Continued 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.***

Rachel Watsky was present for Goddard Consulting. The Agent explained that there is a wetland area that became more obvious after the snow melted and it needs to be looked at more closely. Mr. Katuska will schedule a site inspection with Scott Goddard. Ms. Watsky requested that the hearing be continued until May 27, 2014.

**Mr. Lively made motion to continue the hearing for Abbreviated Notice of Resource Area Delineation (DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” to May 27, 2014. Mr. Schroder seconded the motion. Unanimous. (7-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File # 185-773: “0” Concord Street Brooksmont Meadow Open Space Residential Development (Assessors Map 11, Block 8, Lot 347 – located south of 420 Concord Street), proposed construction of a 3 lot open space residential development, including 2 open space lots, an extension of a stub road, and associated utilities, drainage, and stormwater management, *Dean Schofield/Schofield Brothers* representing *Dennis Morgan/Brooksmont Realty Trust***

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Ms. Pilch and Mr. Bajdek both submitted Affidavits stating that they had reviewed the Public Hearing Evidence from the April 16, 2014 hearing.

Dennis Morgan was present along with his representatives, Mr. Schofield, Mr. Saulnier, and Angelo Catanzaro, Esq. Rachel Watsky was present from Goddard Consulting. She presented an invasive species control plan. The site has primarily Russian Olive in the buffer zone and some buckthorn. There is multiflora rose along with bittersweet in the center of the site.

The proposal is to work to control the invasive species over a 3 year period. At the end of the 3 year period, the work would be evaluated to determine if more work needed to be done. The proposed goal is to have no visible invasive species after 3 years. Monitoring reports would be submitted to the Conservation Commission. The Agent is concerned that it will be very difficult to meet a goal of no visible invasive species after 3 years.+ Mr. Katuska suggested that more information be provided regarding the monitoring of the invasive species control, so that if/when the invasive species comes back, there will be a plan for the next steps in the process.

Ms. Weissman recommended that something be planted in Zone 3 (on the plan) after the Russian Olive is removed, such as some type of erosion control seed mix.

This invasive species control plan was proposed when the Commission was looking for a balanced approach. Mr. McGrath asked to take a step back and opined that the third lot that has to be reached over the crossing should be removed, because the 50qNo-Disturb Zone is impacted the most. If the third lot is removed from the project, this would be a more balanced approach, because there would be less work in the 50qNo-Disturb Zone. Mr. McGrath does not believe that invasive species control or the addition of open space for the town that is loaded with invasive species is a balanced approach.+

Mr. Bajdek inquired about the alternative subdivision plan with two driveways off of Concord Street and one driveway off Dodd Drive. Mr. Morgan explained that the alternative subdivision would not give the town 6 acres of open space. It would also create two driveways that would be dangerous entering onto Concord Street. Mr. Schofield explained that the abutting neighbors also did not want the two driveways going onto Concord Street due to safety issues.

Ms. Pilch has a concern that the proposed crossing goes across a seepage-type area and the addition of a crossing could potentially change the hydrology by channelizing the flow of the water. Ms. Watsky and Mr. Schofield don't believe that the crossing will affect the hydrology.

Mr. Lively believes there are the following trade-offs: 1) The town gets 6 acres of open space. 2) The open space will have the invasive species cleaned up. 3) The neighbors are pleased that there won't be safety issues with driveways going onto Route 126/Concord Street. In exchange for these positives, there will be significant disturbance in the 50qNo-Disturb Zone.

Mr. Bajdek believes that the Commission is being boxed-in as a board; the Commission seems to have one alternative or none, because of the Zoning regulations. Mr. Bajdek asked if there was some way to hybridize the two plans with two driveways off of Dodd Drive and one off of Concord Street. The Agent supports this idea. Mr. Schofield explained that the ZBA's frontage regulations wouldn't allow it.

Ms. Weissman and Mr. Lively believe that there isn't any good way to develop the property without impacting the 50qno-disturb zone no matter where the driveways are located. However,

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the disturbance in the 50% no-disturb zone is balanced out with an intensive invasive species control plan and 6 acres of open space.

Prior to closing the hearing, the Commission asked that the following information be submitted:

- 1) A plan with the timing of the construction development and the conveyance of the open space land to the town that is dovetailed with the invasive species control plan (ISCP).
- 2) More detail added to the ISCP regarding the plantings/seedings in Zone 3.
- 3) Future recommendations for the invasive species control (for both the homeowner and the town) should be added to the ISCP.

The Chair also would like information about where the snow will be plowed in the Order of Conditions.

Mr. Morgan requested a continuation to May 27, 2014.

**Ms. Pilch made a motion to continue the hearing for DEP File #185-773: "0" Concord Street Brooksmont Meadow Open Space Residential Development to May 27, 2014. Ms. Weissman seconded the motion. Unanimous. (7-0-0)**

**Continued Public Hearing – Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street (Assessors Map 8.E, Block 1, Lot 8)** proposal to revise the boundaries of the areas onsite subject to the Massachusetts Wetlands Protection Act and the Holliston Wetland Bylaw (Article XXX) . *Christopher Malcolm, Esq.* representing *Alan Stone*

Mr. Malcolm submitted a written request for his client, Mr. Stone, to continue this hearing to May 27, 2014.

**Mr. McGrath made a motion to continue the hearing for the Amendment to the Order of Conditions for DEP File #185-677: 1014 Highland Street until May 27, 2014. Ms. Pilch seconded the motion. Unanimous. (7-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File # 185-766: 20 Cross Street (Assessors Map 5, Block 1, Lot 41, proposed demolition of existing buildings, Axton Cross Company**

Robert Wexler, President of The Tron Group (Axton Cross), submitted a written request to withdraw the Notice of Intent for DEP File #185-766: 20 Cross Street. There will be no Order of Conditions issued.

**Mr. Lively made a motion to close the hearing for DEP File # 185-766: 20 Cross Street with no Order of Conditions to issue. Mr. Schroder seconded the motion. Unanimous. (7-0-0)**

### **General Business Continued**

#### **Vote on Meeting Minutes from 4/16/14**

**Mr. McGrath made a motion to approve the meeting minutes dated April 16, 2014.**

**Mr. Lively seconded the motion. Mr. Bajdek, Ms. Pilch and Mr.**

**Schroder abstained. The motion passed. (4-0-3)**

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**Vote on Meeting Minutes for 4/29/14**

The vote on these minutes from 4/29/14 was tabled to give the Commissioners more time to review them.

**Request for Extension to Order of Conditions for DEP File #185-658: Washington Hills – off Washington Street/Pulte Homes of NE**

Due to the need to clarify issues surrounding the property ownership for this Order of Conditions, the vote on this extension to the Order of Conditions for DEP File #185-658 has been postponed.

**Vote on Approval & Issuance of Amendment to Order of Conditions for DEP File # 185-727: Lot 2 Concord Street (previously Lot 5 Squanto Path)/126 Residential ANR Realty**

Ms. Pilch made a motion to approve and issue the Amended Order of Conditions for DEP File # 185-727: Lot 2 Concord Street (previously Lot 5 Squanto Path). Mr. McGrath seconded the motion. Mr. Schroder abstained. The motion passed. (6-0-1)

**Vote on Approval & Issuance of Amendment to Order of Conditions for DEP File # 185-729: Lot 6 Concord Street/126 Residential ANR Realty**

The original Order of Conditions for Lot 6 Concord Street was appealed to DEP and DEP issued a Superseding Order of Conditions. The Agent will confer with the applicant's attorney, Jeffrey Roelofs, tomorrow to discuss their need to file an Amendment to the Superseding Order of Conditions for this change. This Amendment may need to be re-issued under the Bylaw Only.

Ms. Pilch made a motion to approve and issue the Amended Order of Conditions for DEP File # 185-729: Lot 6 Concord Street. Mr. McGrath seconded the motion. Mr. Schroder abstained. The motion passed. (6-0-1)

**Vote on Approval & Issuance of the Order of Conditions for DEP File #185-775: "0" Rolling Meadow Drive – Lakefront Path Improvements/Rolling Morse, Inc.**

Mr. Lively made a motion to approve and issue the Order of Conditions for DEP File #185-775: "0" Rolling Meadow Drive – Lakefront Path Improvements. Ms. Pilch seconded the motion. Mr. Schroder and Ms. Weissman abstained. The motion passed. (5-0-2)

**ConCom FY15 Budget**

The FY15 Budget was approved at Town Meeting last week.

**Lake Winthrop Revitalization**

The survey was launched at town meeting. They received 100 responses that evening! They have received 450 more responses since then. Sixty percent of the responses do not live near Lake Winthrop.

Both mussel and nutrient surveys of Lake Winthrop will be undertaken.

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**At 10:06 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 Tuesday, May 27, 2014.