

## Holliston Conservation Commission

**APPROVED Meeting Minutes**  
Town Hall – Meeting Room #014

June 11, 2013  
7:30 PM

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

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

Absent: Richard Maccagnano, Commissioner

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

### General Business

#### **Request for Certificate of Compliance for DEP File #185-732: 244 Rolling Meadow Drive – In-Ground Pool – Thomas Ryan**

Mr. Katuska visited the pool site at 244 Rolling Meadow Drive today and found the site well stabilized. The Agent presented photographs taken today at the site.

*Mr. Bajdek arrived at 7:34 PM.*

As a neighbor of the Ryan family, Ms. Weissman abstained from voting.

**Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-732: 244 Rolling Meadow Drive. Mr. McGrath seconded the motion. Mr. Bajdek and Ms. Weissman abstained. The motion passed. (4-0-2)**

#### **Request to Update the Engineering Plan in Order of Conditions for DEP File #185-725 – Lot 28R Kingsbury Drive – Scott Mayo & Ed Paletsky**

A new plan was submitted by Ed Paletsky for DEP File #185-725, Lot 28R Kingsbury Drive. The plan increased the size of the house so that it is closer to the wetlands and the driveway extends about 8' into the 100' buffer zone. The Commission is concerned that the impervious driveway is now extending into the buffer zone. Mr. Paletsky and Mr. Mayo will be invited to the next meeting on June 25<sup>th</sup> to discuss the proposed changes or they may file paperwork to request an Amendment to the Order of Conditions.

#### **ConCom Goals for the All Boards Meeting on June 19<sup>th</sup>**

The Commission is invited to the All Boards meeting chaired by the Selectmen on June 19, 2013. Mr. Rutberg and Mr. Katuska will attend the meeting.

### **Linden Pond Dam**

One flash board was added to the Linden Pond Dam. The trash rack was clogged with debris after the 3 inches of rain received on June 7, 2013. The Dam Safety Officer, Karen Fung, removed the debris. Ms. Fung sent the Commission an e-mail report on June 9, 2013 regarding the safety of the dams (due to the high water levels) at Linden Pond, Houghton Pond, Factory Pond, and Lake Winthrop.

### **Public Meetings & Hearings**

**\*\* New Public Meeting - Request for Determination of Applicability - #D-503: 118 Wilson Street - identified as Holliston Assessors Map 7, Block 1, Lot 9.1, proposal to construct an in-ground swimming pool, Gregory Dayton**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on June 4, 2013.

Mr. Dayton presented a rough sketch (dated May 28, 2013) for his proposed pool area on the Record Plan from DEP File #185-648A-1. A 20 x40' in-ground pool is proposed in an area that was originally classified as being between 50' and 100' from the wetlands edge when the Order of Conditions was issued for DEP File # 185-648A-1, 118 Wilson Street. However, on-site inspection shows that bordering vegetated wetlands (BVW) no longer exist on this property. The updated BVW edge is south of the southern property line and the wetlands are over 100' away from the planned pool area. The pool will be installed surrounded by a fence, and will have a paver-type pool skirt/patio and associated landscaping. A small amount of grading will be done to level off the area. The pool will be a salt water pool and will not require any backflushing or drainage.

A siltation barrier will be installed downgradient of any land-disturbing activity prior to construction. All disturbed areas will be loamed and seeded to re-establish stable lawn areas.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-503: 118 Wilson Street:**

**Positive #2B Determination:** the boundaries of the Bank, Riverfront Area, and Bordering Land Subject To Flooding as shown on the plan are NOT confirmed as accurate (there are no wetlands on the property);

**Positive #5 Determination:** the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX);

**Negative #1 Determination:** The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.

**Conditions:**

Prior to any land disturbance, erosion control barriers will be installed.

**Ms. Weissman seconded the motion. Unanimous. (6-0-0)**

**\*\*New Public Hearing – Notice of Intent for DEP File # 185-758: 23 Brookview Road - identified as Holliston Assessors Map 11, Block 8, Lot 17D, proposal to replace an existing septic system, including additional site work, Brian Butler/Oxbow Associates, Inc. representing Nancy Staples**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on June 4, 2013.

Mr. Butler presented a plan (dated February 15, 2013) for the replacement septic system at 23 Brookview Road. Abutter notification receipts were received from Mr. Butler. The current septic system has failed. A Geo-Flow system (with one continuous chamber that meters out the septic effluent) will be installed. The closest part of the leaching field will be 28' from the wetlands line and in the 50' buffer zone. This off-set was approved by the Board of Health. The extension of the erosion controls and the locations of the stockpile and site access were annotated on the plan dated February 15, 2013. The homeowners have disposed of yard waste adjacent to the wetlands and will be advised that this is not allowed. The Special Conditions were reviewed with Mr. Butler.

**Mr. McGrath made a motion to close the hearing for DEP File # 185-758: 23 Brookview Road. Ms. Pilch seconded the motion. Unanimous. (6-0-0)**

**Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File # 185-758: 23 Brookview Road with the plan dated February 15, 2013 and annotated June 11, 2013. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File #185-757: 56 Chestnut Street identified as Holliston Assessors Map 5, Block 4, Lots 19 and 39, proposed utility interconnection with solar panel array, *Joyce Hastings/GLM Engineering, Inc.* representing *Trevor Hardy/Blue Wave Capital***

Ms. Weissman submitted an affidavit stating that she reviewed the public hearing evidence for 56 Chestnut Street from the meeting on May 28, 2013.

Ms. Hastings, Mr. Stephen Barrett (Director of Clean Energy from Harris Miller Miller & Hanson, Inc. – HMMH is managing the project for Blue Wave Capital) and Mr. Richard Kase (property owner) were present. The Agent inspected the entire site's wetland delineation last week. Grass swales (with check dams) were added down gradient of the slopes so that the water will be directed into the detention basins. The detention basins will have outlet control structures that slowly and constantly drain the water into level spreaders which will be sized to let the water out at the same rate that leaves the site now - even if there was a 100-year storm event (7" in 24 hours). Riprap swales were added upgradient of the road to slow down the flow of water to help prevent the service road from washing out. The Fire Chief requested the addition of a fire access path to surround the solar panels and a fire cistern for the top of the hill.

The Planning Board asked that construction be done between May and November. To avoid issues of run-off from the hill during construction, a specific construction sequence has been put together and has been submitted to the Agent via e-mail. The project will take about 120-150 days to complete. An interconnection study is being done with NStar. The solar system is monitored remotely 24/7 once each minute, so that they will know if a panel goes down. The site will be visited once every 1-3 months.

The project lease is for 20 years, but it could possibly be extended for another 10 years. When the lease is over, the site will be decommissioned, the solar panels will be removed, and the site will be restored.

The Agent had concerns regarding the wetland delineation and the erosion controls along the road. It was requested that the wetland delineation be re-done only in the areas where the buffer zone would be affected. The smaller area (Area 1) has a greater likelihood of causing run-off issues for the following reasons: 1) it is a north facing slope, 2) it consists of silty shallow hard-panned soil, and 3) it's been used for agriculture. The primary concern is if there is a large rainstorm during construction, the silty soil would run-off straight into the wetlands down gradient from Area 1. Ms. Hastings suggested that erosion controls be placed around the lower area to prevent this from happening. The Agent also believes that more erosion controls are necessary to keep the road from becoming a gully filled with silty soil run-off. The erosion controls will need to be monitored carefully and any issues addressed promptly. A pre-construction meeting will be important to ensure that the contractors are aware of their responsibilities.

Mr. Barrett agreed, on behalf of Blue Wave Capital, that they do not want any catastrophes to occur and that the erosion controls need to be monitored carefully. He emphasized that Blue Wave Capital is concerned about the environment and want to protect the surrounding area in the best way they can both during and after construction.

A Storm Water Pollution and Prevention Plan (SWPPP) will be submitted to (National Pollution Discharge Elimination System (NPDES) and a copy will be provided to the Commission at the same time. An Order of Conditions will be drafted for the meeting on June 25, 2013.

**Ms. Pilch made a motion to close the hearing for DEP File #185-757: 56 Chestnut Street. Ms. Weissman seconded the motion. Unanimous. (6-0-0)**

### **General Business Continued**

#### **Vote on Draft ConCom Meeting Minutes from 5/21/13**

**Mr. Bajdek made a motion to approve the meeting minutes from May 21, 2013 with the Commission's comments incorporated. Mr. McGrath seconded the motion. Ms. Pilch, Mr. Lively, and Ms. Weissman abstained. Three of the 4 standing Commissioners that were present on May 21, 2013 voted Yes. The motion passed.**

#### **Mail Review**

The mail was reviewed and the following was discussed:

#### **Bullard Farm Conservation Restriction**

A copy of a letter dated May 28, 2013 was received from the Massachusetts Historical Commission requesting that a draft copy of the proposed Conservation Restriction be provided to them for review and comment. The MHC would like to ensure that the archaeological resources on the Bullard Farm property are protected. The staff will send a copy of this letter to Ms. Pilch and Dr. Rutberg.

#### **Bylaw Review**

An e-mail from Greg MacGregor has been received about reviewing the Bylaw. The Agent will forward it to the Commission.

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**Issued by: Sheri D. O'Brien**

**Approved by Commission: 07-09-13**

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### **Compliance/Enforcement**

Municipal ticketing may be a better vehicle for compliance issues. The district court needs to be informed that tickets will be issued. The Police Department and the Court will get copies of the tickets.

### **Fafard Compliance**

Building has begun on several of the lots with Orders of Conditions (in Highlands at Holliston and Constitution Village) without the recording of the Orders of Conditions and without notifying the Commission 48 hours in advance of starting construction. The staff will review and develop a compliance management program.

### **1929 Washington Street Beaver Dam – BoH Emergency Certificate**

Mr. Banish received a second 10 day emergency certificate from the BoH to remove beavers.

### **Executive Session - Real Estate Negotiations**

**At 9:49 PM, Ms. Pilch made a motion to enter Executive Session for the purpose of discussing real estate negotiations and stated that the public meeting would not reconvene at the end of the Executive Session. Mr. Lively seconded the motion. Dr. Rutberg proceeded with a roll call vote to go into Executive Session.**

**Mr. Lively: yes**

**Mr. Maccagnano: absent**

**Mr. McGrath: yes**

**Ms. Weissman: yes**

**Dr. Rutberg: yes**

**Mr. Bajdek: yes**

**Ms. Pilch: yes**

**The Motion Passed.**

The next Conservation Commission meeting will be June 25, 2013.