

Holliston Conservation Commission

APPROVED Meeting Minutes

Town Hall i Meeting Room #014

May 27, 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

Absent: Sheri O'Brien, Conservation Assistant

Allen Rutberg, Chair, opened the meeting at 7:30 PM.

General Business

Informal Discussion

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

Justin Brown was present for an informal discussion, saying he wants to be cooperative. Mr. Katuska reports that Foss's excavated pump sump is still open. Mr. Brown asks about a new shed outside the buffer zone. Mr. Brown also wants fencing, and vegetation and tree removals. The Commission says that is ok if and only if it is outside the buffer zone. Mr. Foss arrives at 7:40 and agrees to move the pump and backfill the hole.

PARC Grant Application: Commission signs Trails Committee PARC Grant letter of support.

Voting/Approvals

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

Mr. Schroder made a motion to issue an Extension to the Order of Conditions for DEP File #185-658: Washington Hills – off Washington Street/*Pulte Homes of NE* for only the applicant-controlled parcels AND subject to Town Counsel sign off. Ms. Weissman seconded the motion, and it passed unanimously.

Request for Corrected Amendment to Order of Conditions for Bylaw File # 185-729: Lot 6 Concord Street/*126 Residential ANR Realty*

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Mr. Lively made a motion to approve and reissue the Corrected Amendment to Order of Conditions for Bylaw File # 185-729: Lot 6 Concord Street/126 Residential ANR Realty. Mr. McGrath seconded the motion, and it passed unanimously. (7-0-0)

Lake Winthrop Nutrient Budget Study, ESS, Inc.

The Board reviewed the consultant proposal for Lake Winthrop Nutrient Budget Study by ESS, Inc.

Mr. Lively made a motion to accept the ESS, Inc. proposal for the Lake Winthrop Nutrient Budget Study, and to authorize Mr. Katuska to sign for the Conservation Commission. Mr. Bajdek seconded the motion, and it passed unanimously. (7-0-0)

Eagle Scout Project – Boardwalk/Peter Goeller

Peter Goeller, an Eagle Scout candidate, and his father John Goeller were present to discuss his proposed Eagle Project. Master Goeller said he can work with Fire Chief Cassidy's requirements of a 12' fire road width and a 2' boardwalk. The roadway and sides will have to be trimmed back. There are no large trees; mostly brush and small trees. John will mark out the areas to be cleared and will call the Conservation office for site review.

Mr. Rutberg signed the Beneficiary Approval form.

Mr. Rutberg signed the Eagle Scout Service Project Fundraising Application.

Master Goeller will send the project description PDF, with signatures, to the Conservation Commission.

Article XXX Bylaw Review

Chuck Katuska passed out copies of a draft bylaw received from McGregor & Associates for Commission review. He asked the commissioners to try to submit their comments and questions back to the office ASAP. Nathaniel Stevens, Esq., of McGregor & Associates will be here on August 10, 2014 to discuss.

Public Meetings & Hearings

New Public Meeting - Request for Determination of Applicability - #D-520:

49 Church Street (Assessors Map 8F, Block 3, Lot 27) - proposed installation of a new septic system, *Joyce Hastings/GLM*. representing *Lauren Gilkinson*

Joyce Hastings, GLM, representing owner Lauren Gilkinson, reviewed the septic system repair project. The previous Determination of Applicability had expired. All the structures are in the existing grass yard. Erosion control is to be installed as shown. An Elgin system is proposed. All construction is between the 50' and 100' lines.

The FEMA elevation on the plan at 184.5' will be revised downward as of September 14.

Fill/tank shown as in bordering land subject to flooding now - no flood plain compensation.

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Ms. Pilch made a motion to issue the following Determination for RFD #D-520, 49 Church Street, as drafted and discussed:

Negative #3 Determination: the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, subject to the following conditions, 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 (when the new lawn has been mowed two times).
- 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 and stay inside the erosion control barriers along the west side of the house.

Mr. McGrath seconded the motion. Unanimous. (7-0-0)

New Public Meeting - Request for Determination of Applicability - #D-521:

134 Dodd Drive (Assessors Map 11, Block 8, Lot 389) ĩ proposed installation of a new septic system pump chamber and leaching field, *Joyce Hastings, GLM* representing *Jamie and Kimberly Ross*

The applicant waived the reading of the public notice.

Ms. Hastings, GLM, presented the proposed installation of the new septic system for the current failed system. The house is now being rehabbed. The small amount of shrubby/weedy growth will be cleared. All work is farthest from the wetlands as possible.

Ms. Pilch made a motion to issue the following Determination for RFD #D-521, 134 Dodd Drive, as drafted and discussed:

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. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

New Public Meeting - Request for Determination of Applicability - #D-519:

135 Winthrop Street (Assessors Map 8F, Block 4, Lot 24) ĩ proposed grading at existing single-family home. *David and Jacqueline Grant*

Mr. Katuska describes the previous site visit. The wetlands and flood plain are 15°to 20°down slope to the west. No new fill will be brought in; just levelling the existing yard. Erosion control will be provided. One tree to be removed.

Ms. Pilch made a motion to issue the following Determination for RFD #D-519, 135 Winthrop Street, as drafted and discussed:

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. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

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. Brian Butler, Oxbow Associates, and Mr. Lou Petrozzi, Wall Street Development Corporation, represented that a clear span crossing over the intermittent stream was not possible. For two 12' driveways, 95 cubic feet of fill is required. Bordering vegetated wetlands replacement area of 150 square feet is proposed on the upslope side. Mr. Petrozzi will not consider Conservation Restrictions for the underdeveloped area on lots. Mr. Butler says, based on his observations and egg mass counts, this is an "average" vernal pool. Mr. Petrozzi agrees to conditions for permanent monumentation at the limit of the 100' buffer zone. The Conservation Commission has no further questions about the proposed common driveway.

Can the house can be rotated out of the 100' buffer zone? Mr. Petrozzi does not consider the house location "fixed" in place. He is willing to accept a construction restriction for low-flow season for crossing. The Conservation Commission has no further questions about the proposed single family house.

Mr. McGrath makes a motion to close both Public Hearings: DEP File # 185-764: Lots 17 & 18 Kingsbury Drive, and DEP File # 185-763: Lot 18 Kingsbury Drive. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

Mr. Katuska is directed to draft orders approving both projects, including a small sediment collection forebay at the end of the proposed drainage swale above the mitigation area.

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.* **NO APPEARANCE - CONTINUANCE REQUESTED TO JUNE 10, 2014 BY APPLICANT**

Mr. McGrath makes a motion to continue DEP File # 185-771: 65 Kim Place, to June 10, 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*

Dean Schofield (Schofield Brothers), Dennis Morgan (owner), and Rachael Watsky (Goddard Consulting) submitted the revised Invasive Species Management Plan (ISMP). Ms. Watsky reviews the latest changes to the ISMP.

Mr. Lively inquires about “seeding *and* planting” versus “seeding *or* planting.”
Ms. Watsky says both seeding and planting are proposed.

Zone 4 under control of the Planning Board.

Special Conditions “i”

- revised construction sequence to include specifics of ISMP, prior to construction.
- copies of Monitoring Report to whom it may concern (Conservation Commission, Planning Board)

Mr. Morgan is willing to include 100% of site in ISMP.

Mr. Lively inquires about abutting landowner education. Mr. Morgan agrees to do a letter to the abutters. The ISMP includes an “educational document.”

Mr. Bajdek noted discomfort with the Alternatives Analysis. Mr. McGrath and Mr. Rutberg agree. Mr. Lively is concerned that the Alternatives Analysis was done for the Planning Board and is not directly responsive to the requirements of wetland protection considerations..

Mr. Morgan argues that this project balances safety, acquisition of 6.5 acres conservation land and notes also his opinion that “it’s only a small wetlands crossing.”

Mr. Schofield states that there are lots of wetland crossings approved in Holliston and this is a very small one.

Mr. McGrath states that he is just going to agree to disagree.

Mr. Lively points out that there has been a trade-off with the ISMP.

Mr. Morgan states that there is going to be a public access easement.

Ms. Watsky says that, with ISMP included, “this is as good a development as can be proposed on this site.”

Ms. Pilch said we need to think about why we protect the 50’ No Disturb Zone.

- Poor habitat here
- Her concerns regarding hydrology have been addressed

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- Conservation Commission has approved wetland crossings previously
- Use this as an education opportunity

Mr. Schofield says on the balance it seems to be a good proposal. He doesn't see any better alternative. Does this lower the bar for the 50'

Ms. Pilch brings up control of sand and salt from the end of Dodd Drive.

Mr. Schofield reviews proposed infiltration structure and deep-sump catch basin. All future stormwater management will be under homeowner association.

Owner of Lot 3 area will be responsible for maintenance of the wetland crossing.

Mr. Lively makes a motion to close the Public Hearings: 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). Ms. Weissman seconded the motion. Unanimous. (7-0-0)

Further discussion: Mr. Rutberg asks for discussion on possible denial:

Potential Special Conditions:

- Education document for all abutters/homeowners
- Updated construction sequence before construction i dovetail with ISMP
- Additional detail on ISMP
- See narrative for stockpiling and grading details
- Establishment of wetland mitigation area water source?
- Permanent monumentation plaques (at property corners i Mr. Schofield)
- Specify monitoring/maintenance requirements for storm water structures and snow removal for homeowner's association
- Time of year (dry season) restriction on crossing construction
- Public access easement from Dodd Drive crossing ends of retention wall (into 50' bordering vegetated wetlands.

Ms. Watsky will submit an updated ISMP.

Mr. Katuska is directed to share a draft of this Order of Conditions with the applicant.

Commission will sign the Order of Conditions on June 10, 2014 if the Order is approved at the meeting.

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) i Christopher Malcolm, Esq. representing Alan Stone. NO APPEARANCE - CONTINUANCE REQUESTED UNTIL JUNE 24, 2014 BY APPLICANT

Ms. Pilch makes a motion to continue the public hearing on the Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street to June 24, 2014. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

General Business, Continued

Lake Winthrop

- Circulate ESS Inc. sediment sampling proposal to Conservation Commission
- Move on mussel study
- Plan completion and release schedule for September (around ĆCelebrate HollistonĶ)
- Mr. Lively notes that ~650 public input surveys have been received - several general concerns emerging

Expressed general will of the Conservation Commission is to do something that results in something getting done.

Mr. McGrath made a motion to accept the ESS proposal and have Mr. Katuska sign on behalf of the Conservation Commission. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

Ms. Pilch made a motion to approve the Meeting Minutes of 4/29/14. Mr. Lively seconded the motion. Unanimous. (7-0-0)

Ms. Pilch made a motion to pay the Conservation Agent out of the Bylaw Fee Account for hours greater than 20. . Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

Mr. Katuska is instructed to get package of approved minutes to Town Clerk for website.

Mr. Katuska is instructed to get current bylaws on the website.

At 10:15 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be on Tuesday, June 10, 2014.