

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

May 12, 2015
7:30 PM

Present: Ann Marie Pilch, Vice-Chair; Chris Bajdek (Arrived at 8:12 PM), Shaw Lively, Jim McGrath, David Schroder (Arrived at 7:41 PM), Rebecca Weissman, Commissioners

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

Absent: Allen Rutberg, Chair; Emily Kingston, Associate Commissioner

Ms. Pilch, Acting Chair, opened the meeting at 7:33 PM.

General Business

Request for Extension of Order of Conditions for DEP File #185-666: Lot15/16 Kingsbury Drive – Lou Petrozzi/Wall Street Development Corp.

In an e-mail dated April 27, 2015, Mr. Petrozzi requested a 2 year extension to the Order of Conditions for DEP File #185-666. The Commission agreed that a 2 year extension was appropriate.

Mr. Lively made a motion to approve a 2 year extension to the Order of Conditions for DEP File #185-666: Lot 15/16 Kingsbury Drive. Mr. McGrath seconded the motion. Unanimous. (4-0-0 AMP, SL, JM, RW)

Discussion RE: DEP File #185-781: Hopping Brook Road Extension's Conservation Restriction Plan

Supporting Documents:

Plan Sheet CR, dated May 15, 2014 and revised through April 16, 2015, from Modification Plans to the Amended Definitive Plan of Land Hopping Brook+Road & Utility Extension for the Hopping Brook Business Park,+Holliston, MA, prepared by Arthur F. Borden and Associates, Inc.

Order of Conditions for DEP File #185-781 for Hopping Brook Road Extension, issued 4/29/2015

Policy - Amended Orders: Amending an Order of Conditions (DWW Policy 85-4),+Wetlands Protection Program Policies (March 1995), issued September 17, 1985 and revised March 1, 1995.

Present: Brian Butler, Oxbow Associates and Jon Deli-Priscolli, New Hopping Brook Trust

Mr. Butler explained that the Planning Board did not accept the CR (Conservation Restriction) Plan Sheet for their Site Plan approval. Therefore, the applicant is requesting that the CR Plan Sheet be removed from the Record Plan approved with the Order of Conditions issued 4/29/2015. The applicant's rationale to remove the CR plan is that it was leftover from their previous Order of Conditions DEP #185-553 and was inadvertently left in the plan set; therefore, it is simply a "mistake" that can be corrected through an administrative change instead of amending the Order of Conditions. Mr. Butler provided a copy of the policy regarding Amended Orders referenced above. Mr. Butler and Mr. Deli-Priscolli believe that the original CR's intent was only to protect endangered species that have since been delisted as endangered by NHESP and it was a mistake to leave the CR Plan Sheet in the Plan Set.

Mr. Schroder arrived at 7:41 PM.

There was discussion about Areas A1 and A2 (on the CR Plan) being protected if removed from the CR, because they are strictly wetlands. However, Areas A3 and A4 are more than just wetlands/vernal pools and the CR would provide protected upland areas. Mr. Deli-Priscolli does not agree that the CR Plan is necessary for Areas A3 and A4 and is frustrated, because he feels that the CR will make it more difficult to sell the property due to a title "clouded" with a CR.

No decisions can be made regarding the CR Plan until the appeal period for the issuance of the Order of Conditions has expired (at the end of tomorrow, May 13, 2015) and the Order of Conditions is recorded at the Registry of Deeds.

The Conservation Restriction was not discussed by the applicant during the hearing process for DEP File #185-781. The Commission agreed with Ms. Weissman's concern that these CR areas will not be protected (just because they are wetland resource areas), but will only be regulated; therefore, future Commission members may decide to allow wetland development.

Chris Bajdek arrived at 8:12 PM.

The Commission agreed that removing the CR Plan from the Order of Conditions would require an Amended Order of Conditions. However, they cannot commit to approving the Amendment until they can see a plan that shows where the regulated wetlands/vernal pools/buffer zones are located and where the upland areas are located in the CR area.

Mr. Butler and Mr. Deli-Priscolli will submit a request for an Amended Order of Conditions (to remove the CR Plan) on Thursday, May 14, 2015 after the 10-Day appeal period has expired on Wednesday, May 13, 2015.

The Fields at Sherborn

David Serocki was not on the Agenda, but came forth to discuss The Fields at Sherborn, which is a 36-unit 40B development off of Route 16 in Sherborn near the Holliston town line. Mr. Serocki is concerned about the potential impact of the development on his property that he is farming south of Whitney Street in Holliston. He believes that his land

is downgradient of any run-off of toxins, such as pesticides, etc., that could be detrimental to his farm.

It was suggested that he contact the Zoning Board in Holliston with his concerns, since it is being reviewed by the Zoning Board in Sherborn at this point in time. There are potential concerns that if the run-off was substantially increased by the development that it would negatively impact the Whitney Street culvert; however, the stormwater management plan should prevent this from occurring.

The Commission asked that the staff communicate with the Sherborn Conservation Commission regarding this project to find out if or when the Notice of Intent is submitted to them. The Agent will discuss this matter with Karen Sherman.

Discussion RE: Conservation Land Photograph Locations for H. Finnegan's 10th Grade English Class on Thoreau's Walden

Ms. Finnegan would like her class to photograph conservation properties in conjunction with her class on Thoreau's *Walden* in the Fall of 2015. They would like to frame the photographs and possibly hang them at town hall. The Commission suggested photographing conservation land at Weston Pond, the Poitras/Daniels property, the Adams Street property, and Lake Winthrop.

Request for Plan Change Review for DEP File #185-774: 58 Hopping Brook Road Solar Project's Rail Trail/ConCom Parking Lot - Eric Dickinson/GLM representing Solect/SED Two LLC

Supporting Documents:

Letter dated May 7, 2015, To: Holliston Conservation Commission, From: Eric I. Dickinson, GLM Engineering, RE: Request for Plan Change Review, MA DEP File #185-774, 58 Hopping Brook Road Solar Project

Plan Sheet No. 7 of 9, dated April 14, 2014 per the Order of Conditions (DEP # 185-774) from %Site Development Plan for 58 Hopping Brook road Proposed Solar Photo Voltaic Project, Off Washington Street, Holliston, Massachusetts,+Detail of %Gravel Parking Lot Cross Section (Not to Scale)+

In the letter referenced above, a request was made on the behalf of SED Two LLC by Mr. Dickinson of GLM Engineering for a Plan Change Review for the surface course depicted on the Gravel Rail Trail Parking Lot Cross Section detail from plan sheet No. 7 noted above.

This request will be tabled until May 26, 2015 because the representative could not attend the meeting.

Request for Partial Certificate of Compliance for DEP File #185-530: Constitution Village for Toll Bros. Parcels - Represented by Jeffrey Roelofs

Supporting Documents:

Letter dated May 12, 2015, To: Holliston Conservation Commission, Attn, Charles Katuska, From: Jeffrey L. Roelofs, P.C., RE: Constitution Village - Request for Certificate of Compliance (DEP File No. 185-530)

Plan - dated December 15, 2014, Exhibit Plan, prepared by Guerriere & Halnon, Inc.

On behalf of FRE Building Company, Inc. (FRE) and Constitution Village, LLC, Mr. Roelofs, Esq. requested in the letter referenced above, a Partial Certificate of Compliance as related to the Toll Brothers parcels identified on the Exhibit Plan dated December 15, 2014. These Toll Brothers plots are numbers 47-54, 57-59, 64A, and 65A. Supplemental Certification was also requested (Prior to Enforcement Orders) so that the Enforcement Orders issued during the implementation of work (in 2002, 2003, and 2004) under the Constitution Village Order of Conditions (DEP File No. 185-530) can be certified as resolved and/or are otherwise no longer in effect.

Also, please note that this Partial Certificate of Compliance is issued with respect to the 2001 Order of Conditions issued in DEP File No. 185-530, and does not pertain to separate and individual Orders of Conditions issued in 2015 for work on the Toll Parcel Lots 70-74 on Minuteman Circle.

Mr. McGrath made a motion to issue a Partial Certificate of Compliance for DEP File #185-530: Constitution Village with a Supplemental Certification regarding the resolution of past Enforcement Orders. Mr. Schroder seconded the motion. (6-0-0)

Project Updates:

Connolly Way - Open Space Tree

The oak tree in the Open Space had a leader removed that was leaning over the adjacent property. Rolf Briggs from Tree Specialists has recommended that this oak tree's two remaining leaders be cabled so that the tree can live another few decades. Mr. Briggs will give us estimates for both the cabling of the two leaders and the removal of the tree.

Lake Winthrop Nutrient Loading Study - The ESS Group

Supporting Documents:

Letter dated April 29, 2015, To: Mr. Charles Katuska, Conservation Agent, From: Carl Nielsen, CLM, VP, ESS Group, Inc. RE: Nutrient Budget Report for Lake Winthrop, Holliston, Massachusetts, ESS Project No. H166-000

The Nutrient Budget Report for Lake Winthrop was received from the ESS Group in the letter referenced above. Recommendations were made to manage the nutrient loading issues. Several additional assessments were recommended in the referenced letter.

The Agent will pass along his comments regarding the report to the Carl Nielsen.

Article XXX - Bylaw Regulations

A draft outline has been submitted to the ConCom by Nathaniel Stevens. In addition to the hard copy passed out at the last meeting on April 28, 2015, a copy of the outline will be e-mailed to the Commissioners for review.

Open Space Updates:

Conservation Restriction - Warren Woods

The Agent forwarded his comments regarding this CR to the Commissioners last week and they are in the process of reviewing it. The main concern was regarding whether the Town's rights are protected. Ms. Pilch suggested that when Town Counsel reviews the CR to ask if the CR adequately protects the Town's rights.

Conservation Restriction - Rogers Road Farm

The Building Inspector has been through the house at Rogers Road Farm with Tony Lulek, AgCom Chair, and asked Mr. Lulek to write up their findings. Rolf Briggs has completed some tree work that was reviewed with the Agent beforehand. Most of the tree removal was very close to the house. A draft CR has been received from the Mass Farm Bureau, but this CR is more complicated and needs to be rewritten to support Holliston's needs.

Conservation Restriction - Highlands at Holliston/Constitution Village

A list of Open Space areas that must be inspected and restored needs to be compiled. Fafard did a lot of work across Open Space areas and the areas need to be restored as part of closing the project out.

Conservation Restriction - Washington Hills

A draft CR has been received from Pulte Homes of NE and needs to be reviewed.

Vote on Meeting Minutes from:

- **12/3/13 & 5/27/14 (CJK)**
- **3/24/15, 4/7/15, & 4/28/15 (SDO)**

The draft meeting minutes from December 3, 2013 and May 27, 2014 were tabled to give the Commissioners more time to review them.

Mr. McGrath made a motion to approve the meeting minutes from March 24, 2015. Mr. Lively seconded the motion. Ms. Pilch and Ms. Weissman abstained. The motion passed. (4-0-2)

Mr. McGrath made a motion to approve the meeting minutes from April 7, 2015. Mr. Bajdek seconded the motion. Mr. Lively and Mr. Schroder abstained. The motion passed. (4-0-2)

Mr. McGrath made a motion to approve the meeting minutes from April 28, 2015. Mr. Bajdek seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)

Review Mail

The mail was reviewed.

- The Commission signed an invoice for \$1,305 (dated April 30, 2015) from McGregor and Legere for work on the Bylaw Regulations.
- MACC Soil and Erosion Sediment Control Workshop . June 20, 2015

- *A Field Guide to the Dragonflies and Damselflies of Massachusetts* . The Commission agreed that this would be a good addition to the ConCom's library.

Beavers

There is beaver activity in Jarr Brook under Westfield Drive, Chicken Brook near Washington Path, and Beaver Brook near Marshall Street.

Town Meeting Warrant Articles - Articles 11, 35 and 36

The following three Articles related to the Conservation Commission were on the Warrant for the annual Town Meeting and were approved.

ARTICLE 11. To see if the Town will vote, under the provisions of Massachusetts General Laws Chapter 44, section 53E1/2 as amended, to authorize the creation of a Wetlands Application Filing Fee account into which shall be deposited receipts received as payment of filing fees for wetlands determinations and from which account expenditures for the costs of wetlands determinations may be made with the approval of the Board of Selectmen in an amount not to exceed \$30,000 during fiscal year 2016, except that expenditures from said account in excess of said \$30,000 may be authorized by vote of the Board of Selectmen and the Finance Committee; or take any action relative thereto. (Conservation Commission)

ARTICLE 35. To see if the Town will vote to transfer the care, custody and control of a certain parcel of property known as ~~Warren Woods II~~, shown as Lot 125 of Block 1 on AssessorsqMap 14 and located off of Robert Road and Meadowbrook Lane, acquired as open space in 2014, to the Conservation Commission; or take any action relative thereto. (Conservation Commission)

ARTICLE 36. To see if the Town will vote to transfer the care, custody and control of certain parcels of property shown as Lot 21 of Block 6 on AssessorsqMap 4 located off of Washington Street, Lot 39 of Block 1 on AssessorsqMap 1 located off of Boynton Road, and Lots 4 and 5 of Block 3 on AssessorsqMap 8 located off of Howard Street, to the Conservation Commission; or take any action relative thereto. (Conservation Commission)

At 9:20 PM, Mr. Lively made a motion to adjourn the meeting. Ms. Weissman seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meeting will be on Tuesday, May 26, 2015.