

Holliston Conservation Commission

APPROVED Meeting Minutes

Town Hall . Meeting Room #014

May 26, 2015

7:30 PM

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

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

Absent: None

Dr. Rutberg, Chair, opened the meeting at 7:31 PM.

General Business

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 OoC 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)+

Per an e-mail received today from Robert Truax, GLM Engineering, this request for a plan change review has been withdrawn by the applicant. The applicant has agreed that the parking area shall be constructed in accordance with the approved plans.

Ratify Emergency Certificate for 145 Hollis Street - repair of collapsed culvert

The Commission ratified the Emergency Certificate dated 4/27/15 to repair the collapsed culvert at the driveway for 145 Hollis Street.

**Ms. Pilch made a motion to ratify the Emergency Certificate for 145 Hollis Street.
Mr. McGrath seconded the motion. Unanimous. (7-0-0)**

Project Updates:

- **Connolly Way - Open Space Tree**
Stumpy\$ bid \$500 to remove the leader that is beginning to die. Rolf Briggs bid \$470 to cable the two leaders together. The Commission agreed to have Stumpy\$ remove the leader.

Open Space Updates:

- **Conservation Restriction - Warren Woods**
Ms. Pilch once again recommended that Town Counsel be consulted regarding whether the Town\$ rights are adequately protected with the language in this CR. However, she believes that this is fairly typical language for a conservation restriction.
- **Conservation Restriction - Rogers Road Farm**
The Agent has begun to fill in the CR with language that is appropriate for Holliston\$ needs. The Commission is reviewing the CR. Mr. Lulek is meeting with the Medway Community Farm to learn about the process that they went through to create their farm. The hope is to model the Rogers Road Farm after the Medway Community Farm. The Commission wondered if there could be different %ones+for different activities on the farm. Ms. Pilch explained that CRs should not be overly specific, they should have broad limitations, support management by objectives, outline who gets to make decisions, and who must be involved, etc. The CR will also be forwarded to Lixy Carey, Chair of CPC, for review.

Vote on Meeting Minutes from:

- 12/3/13 & 5/27/14 (CJK)
- 9/16/14 & 5/12/15 (SDO)

The draft meeting minutes from September 16, 2014 and May 12, 2015 were tabled to give the Commissioners more time to review them.

Mr. McGrath made a motion to approve the meeting minutes from December 3, 2013. Mr. Lively seconded the motion. Mr. Schroder abstained. The motion passed. (6-0-1)

Mr. McGrath made a motion to approve the meeting minutes from May 27, 2014. Mr. Weissman seconded the motion. Mr. Bajdek, Mr. Schroder and Dr. Rutberg abstained. The motion passed. (4-0-3)

Public Meetings and Hearings

**** New Public Hearing – Request for Amendment to Order of Conditions for DEP File #185-781: Hopping Brook Road Extension (Assessors Map 1, Block 1, Lots 43 & 51.1 and Map 4, Block 6, Lots 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 18.2, 18.3, 18.4, 32.1, 32.3 & 33.0) proposed elimination of the Conservation Restriction plan . *Brian Butler/Oxbow Associates, Inc.* representing *Jon Delli-Priscoli/New Hopping Brook Trust.***

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

Letter - Request for Amended Order of Conditions, MA DEP File No. 185-0781, Hopping Brook Road Extension, Holliston, MA To: Charles Katuska, Holliston Conservation Commission, From: Brian Butler, Oxbow Associates, Inc., dated May 19, 2015

Plan - 2013 Orthophotograph, Unrestricted Areas, Hopping Brook Road, Holliston, MA, dated May 26, 2015

Present: Brian Butler, Oxbow Associates and Jon Delli-Priscoli, New Hopping Brook Trust

Mr. Delli-Priscoli waived the reading of the meeting notice published in the *MetroWest Daily News* on May 19, 2015.

A copy of the recorded Order of Conditions was received from Mr. Delli-Priscoli. A copy of the abutter notification receipts were received from Mr. Butler.

In the letter listed above, Oxbow Associates requested an Amendment to the Order of Conditions DEP File #185-781, to remove the Conservation Restriction Plan Sheet (Plan Sheet CR). They explained that this CR Sheet was inadvertently placed in the plan set for the Notice of Intent, and it was not their intent to place a Conservation Restriction on the property. Mr. Butler presented the Orthographic plan listed above showing the square footage of land in the areas within A3 (23,100 + 2, 440 + 2,100 ft²) and A4 (26,150 ft²) of the former CR that are not protected as wetland resource areas. Mr. Butler explained that these unfettered parcels are small in the context of the overall site and their potential use for any project is unlikely. The CR areas were originally put under a Conservation Restriction due to endangered species. These endangered species have now been delisted by the MA-NHESP; therefore, the applicant does not want the CR to be placed on the property, because, from his perspective, it complicates the title when it comes time to sell the property.

The access road to the construction site for the Hopping Brook Road extension will be gravel, not pavement, and it will be gated off at the paved cul-de-sac road near Griffin Electric.

An Amended Order of Conditions will be drafted for the Commission's review meeting on June 9, 2015.

Mr. McGrath made a motion to close the hearing for the Amendment to the Order of Conditions for DEP File #185-781: Hopping Brook Road Extension to remove the Conservation Restriction Plan Sheet (Plan Sheet CR). Mr. Lively seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-XXX: 194 Lowland Street (Assessors Map 9 Block 2, Lots 33.1 and 57.1)** proposal to stabilize a perimeter road and install permanent sedimentation & erosion controls in conjunction with the operation of a composting facility . *Russell E. Waldron/Applied Ecological Sciences* representing *Michael Brumber*

Supporting Documents:

Notice of Intent for 194 Lowland Street, Holliston, MA 01746, prepared for Michael Brumber. Prepared by Russell E. Waldron of Applied Ecological Services, dated May 11, 2015.

Plan - %Existing Conditions Plan+Lowland Street, Holliston, MA prepared for Michael Brumber. Prepared by GLM Engineering Consultants, Inc., dated April 9, 2015

Plan - %Composting Operation+194 Lowland Street, Holliston, MA, prepared for Mike Brumber. Prepared by Frank O. Waterman and Associates, Inc., dated April 30, 2015.

Present for the Applicant: None

Mr. Katuska read the legal notice advertised in the *MetroWest Daily News* on May 19, 2015.

The following issues have been identified with the Notice of Intent:

1. As the abutter notifications were not sent out for both parcels located at this site, the hearing needs to be continued so that the appropriate additional abutter notifications may be mailed out for the second parcel
2. The NOI application fees calculated under both the MA-WPA (state) and Holliston Article XXX (bylaw) requirements are in error.
3. There is, as of this date, no proof of mailing or hand-delivery of this NOI to the MA Natural Heritage and Endangered Species Program.

Chris Malcolm, the applicant's attorney, submitted a request today to continue the hearing until June 9, 2015.

Mr. Schroder made a motion to continue the hearing for Notice of Intent for DEP File #185-XXX: 194 Lowland Street to June 9, 2015. Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

General Business

Lake Winthrop Management

Mr. Bajdek inquired on behalf of the CPC about the status of the Lake Winthrop Management project. Mr. Lively and Dr. Rutberg explained that they are still discussing how to go about education of the public.

The state owns the original water sheet of Lake Winthrop, as it is a Great Pond. The lake was then increased by 26 acres, but no one is sure who actually owns those 26 acres. The Selectmen have put the Parks and Rec Department in charge of the lake, but this seems to mean just the beach and parks on the lake.

The Commission feels that a plan for the future of the lake should be put together, even if it is a plan that says it should be re-assessed on a routine basis. Mr. Lively will put together an article regarding the status of the lake. The staff will put the reports from The ESS Group on the Conservation Commission's website.

Wood Ducks

Emily Kingston noted that the wood ducks on Jarr Brook near the Warren Woods conservation land are very plentiful this year. She inquired who could be contacted about putting up wood duck houses, since several have landed in Jarr Brook this Spring. Unfortunately, it seems that the brook is not the proper habitat for the wood duck houses as wood ducks need a more open area to breed. The Commission was excited to learn about the presence of so many wood ducks.

Solect

The drainage system and erosion controls seem to be working correctly, although there has only been one major storm recently.

Review Mail

The mail was reviewed. A Mass Wildlife magazine was received.

At 8:38 PM, Mr. Lively made a motion to adjourn the meeting. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be on Tuesday, June 9, 2015.