

# Holliston Conservation Commission

## Meeting Minutes

Town Hall . Meeting Room #014

October 13, 2015  
7:30 PM

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

Sheri O'Brien, Conservation Assistant

Absent: Jim McGrath, Commissioner  
Charles Katuska, Conservation Agent

**Dr. Rutberg, Chair, opened the meeting at 7:32 PM.**

### General Business

#### **Review of 1997 Enforcement Order – 241 Oak Street, DEP #185-436**

The property at 241 Oak Street is for sale and in order to clear the title for the property, a vote is needed from the Commission to rescind the Enforcement Order (EO) issued in 1997. The Order of Conditions (OoC) was in response to the EO; therefore, there are no remaining issues under the EO. Both the OoC and Certificate of Compliance for DEP File # 185-486 were previously recorded at the Registry of Deeds.

**Mr. Lively made a motion to rescind the recorded 1997 Enforcement Order for 241 Oak Street, DEP #185-435. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

#### **Project Discussion – Agricultural Commission, Re: 34 Rogers Road**

Present: Tony Lulek, Justin Brown  
Kristin Serocki (interested neighbor also attended)

- The Agricultural Commission (AgCom) edited the Conservation Restriction. Mr. Brown will email the edited Conservation Restriction to the ConCom, the staff will forward this to the ConCom.
- A 501(c)(3) organization will be formed to manage the property.
- An Advisory Board outside the AgCom needs to be created.
- AgCom would like to have ConCom members on the Advisory Board.
- The National Resources Conservation Service (NRCS) will be invited to sit on initial Advisory Board
- The Conservation Restriction should be referenced in 501(c)(3) By-Laws.

- The house is still an issue. There is a crack in the wall that needs to be looked at by a structural engineer. Audience member, Paul Saulnier, suggested a structural engineer on Winthrop Street and will provide the contact info to Mr. Lulek after the meeting.
- Chip Thurlow from Bullard Farm has been extremely helpful, along with Linda Simkins from Natick Community Farm. For other community farm examples, they have also looked at farms, such as the Medway Community Farm and the Franklin Farm in RI.
- AgCom says it has already found an interested farmer to run the farm for a year or two.
- A strategic plan should be created with all the players and it should be reviewed and revised every 3 years with the Advisory Board.
- The Medway Community Farm 501(c)(3) organization leases the land from the Town of Medway for \$1/year
- Want to host a Lions Club Haunted Hay Ride on October 23 & 24
- HHS Class of 2017 inquired about storage for Senior Auction. The Commission recommended that Mr. Lulek check with Peter Tartakoff prior to storing anything on the property as there might be a liability issue.
- After the October Town Meeting, the AgCom will update Selectmen. Wants Conservation Restriction ironed out for November 3rd ConCom meeting to present to Selectmen on November 4th or November 12th.

**Mass Trails Conference - Sat, Nov 14<sup>th</sup> w/ Optional Trail Planning Field Trips on Friday, Nov. 13<sup>th</sup>**

- Mary Greendale forwarded email regarding Mass Trails Conference.
- Ms. Pilch and Ms. O'Brien would like to attend the conference on Friday (Field Trip #3) and the Saturday workshops

**Public Meetings and Hearings**

**\*\*New Public Meeting – Request for Determination of Applicability for #D-556: 23 Skyview Terrace (Assessors Map 9 Block 5, Lot 16.S)** proposal to replace an existing failed septic system . *Eric Dickinson/Civilized Solutions* representing *Therese & Kenneth McAllister*

Present for the applicant: Paul Saulnier, Civilized Solutions

- Paul Saulnier waived the reading of the legal notice that was published in the *MetroWest Daily News* on October 6, 2015.
- Mr. Saulnier explained site and project. Mr. Katuska visited and reviewed the site. It is a 3 bedroom house that is being sold.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-556, 23 Skyview Terrace:**

**Positive #2B Determination:** the boundaries of the bordering vegetated wetlands are NOT confirmed as accurate;

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

**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.

**Conditions:**

- 1) **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the replacement of the existing failed septic system at 23 Skyview Terrace as shown on the project plan referenced in part A.1. Any work not covered by this Determination (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river; will require a separate filing. Any other activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **EROSION CONTROL BARRIER.** The proposed erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement 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 for septic system reconstruction are fully restabilized with vegetation.
- 3) **STOCKPILING.** The temporary stockpile will be located outside of the 100' buffer zone just northeast of the house in the front yard as indicated on the record plan.
- 4) **PROJECT ACCESS.** Project access will be across the existing lawn and around the northern side of the house as indicated on the record plan.
- 5) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will survive the expiration of this Determination of Applicability.

**Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**\*\*New Public Meeting – Request for Determination of Applicability for #D-557: 6 Pine Oak Street (Assessors Map 8, Block 1, Lot 26) proposal to replace an existing failed septic system . Joyce Hastings/GLM Engineering Consultants, Inc. representing BNC Homes**

Present for the applicant: Joyce Hastings, GLM Engineering Consultants

- Ms. Hastings waived the reading of the legal notice that was published in the *MetroWest Daily News* on October 6, 2015.
- Ms. Hastings explained the site and project. There isn't a real driveway. They had to push septic systems closer to the wetlands due to the 100-foot radius setback required by the BoH.

**Mr. Lively made a motion to issue the following Determinations for RFD #D-557, 6 Pine Oak Street:**

**Positive #2B Determination:** the boundaries of the bordering vegetated wetlands are NOT confirmed as accurate;

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

**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.

**Conditions:**

- 1) **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the replacement of the existing failed septic system at 6 Pine Oak Street as shown on the project plan referenced in part A.1. Any work not covered by this Determination (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river; will require a separate filing. Any other activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **EROSION CONTROL BARRIER.** The proposed erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement 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 for septic system reconstruction are fully restabilized with vegetation.
- 3) **STOCKPILING.** The temporary stockpile will be located outside the 100' buffer zone as indicated on the record plan.
- 4) **PROJECT ACCESS.** Project access will be across the existing lawn and around the eastern side of the house as indicated on the record plan.
- 5) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will survive the expiration of this Determination of Applicability.

**Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File #185-801: Lot 15 Deer Run Road (Assessors Map 4 Block 3, Lot 102)** proposal to construct a single family house . *Joyce Hastings/GLM Engineering Consultants, Inc.* representing *Four Seasons Homes, LLC*

Present for the Applicant: Joyce Hastings, GLM Engineering Consultants

- Ms. Hastings explained the site and project.
- Letter dated October 5, 2015 from Ms. Hastings outlined revisions in response to the Commission's comments at the 9-29-15 meeting.
- 6 boundary markers will be added to the plan, and Ms. Hastings will submit new plan tomorrow prior to release of the Order of Conditions.

**Ms. Pilch made a motion to close the hearing for the Notice of Intent for DEP File #185-801, Lot 15 Deer Run. Ms. Weissman seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)**

**Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File #185-801, Lot 15 Deer Run. Mr. Schroder seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)**

**Continued Public Hearing – Notice of Intent for DEP File #185-800: 1 Norfolk Lane (Assessors Map 5 Block 5, Lot 3)** proposal to install new and repairs to existing landscaping . *Joyce Hastings/GLM Engineering Consultants, Inc.* representing *James Stucchi/Ahronian Landscaping & Design, Inc.*

Present for the Applicant: Joyce Hastings, GLM Engineering Consultants

- Ms. Hastings presented a revised plan with a list of plantings.
- The Commission agreed to the removal of 2 maple trees and an 18+oak tree on the edge of Lake Winthrop.
- Ms. Hastings acknowledged that a supply of Erosion Control materials needs to be onsite for potential erosion control emergencies (Condition #27)
- Condition # 31 was reviewed with Ms. Hastings. No work is allowed on the bank of the lake without prior review and approval by the Commission.

**Ms. Pilch made a motion to close the hearing for the Notice of Intent for DEP File #185-800, 1 Norfolk Lane. Ms. Weissman seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)**

**Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File #185-800, 1 Norfolk Lane. Mr. Bajdek seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)**

**Continued Public Hearing – Notice of Intent for DEP File #185-798: 415 Concord Street (Assessors Map 11 Block 6, Lot 27)** proposal to construct a 66-unit residential subdivision . *Bruce Griffin/New England Environmental, Inc.* representing *Pulte Homes of New England, LLC*

Present for the Applicant: Matt Leidner, Civil Design Group (CDG)

- Mr. Leidner presented revisions to peer review comments from his letter dated September 18, 2015.
- Attached to the letter were the sections of the plans for Basins 1, 2, 3 & 4 with their regrading to meet the 2' separation to seasonal high water as required by the MA DEP Stormwater Standards.
- The actual plans will be officially revised after the ConCom and Planning Board have approved the changes. Civil Design Group is working with Mass DOT. MDM Transportation Consultants (working for Pulte) worked with DOT to clean out silt from 3 culverts. So far no issues have been found.
- A letter will be submitted to the ConCom regarding the engineering evaluation of the 3 culverts under Concord Street/Rt. 126.
  - Needs Mass DOT curb cut permit and drainage review will also occur at that time, so culverts will have a final review.
  - Basin 4 has been moved 10' away from abutter's property line.
  - MEPA site walk will be next Wednesday at 10:00 AM
  - Environmental Notification Form submitted
- The Peer review consultant, PARE Corp., letter dated October 2, 2015 stated that CDG satisfactorily responded to PARE's comments.
- In response to Mr. Bajdek's inquiry regarding the bats being an endangered state animal, Mr. Leidner explained NHESP sent a letter stating there were no species of concern on the property.
- Mr. Leidner agreed to continue the hearing to November 3<sup>rd</sup> so that they can meet one last time with the Planning Board prior to closing this hearing.

**Ms. Pilch made a motion to continue the Public Hearing for the Notice of Intent for DEP File #185-798: 415 Concord Street to November 3, 2015. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File #185-796: 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* **CONTINUED UNTIL NOVEMBER 3, 2015 AT THE REQUEST OF THE APPLICANT**

A written request was received today to continue this hearing until November 3, 2015 in order to wait for Planning Board review on October 22<sup>nd</sup>.

**Ms. Pilch made a motion to continue the Public Hearing for the Notice of Intent for DEP File #185-796: 194 Lowland Street to November 3, 2015. Mr. Lively seconded the motion. Unanimous. (6-0-0)**

**Continued Public Hearing – Abbreviated Notice of Resource Area Delineation for DEP File #185-799: 128 Fisher Street (Assessors Map 1 Block 1, Lots 23.3 and 49) to delineate the limits of areas subject to wetland protection jurisdictions . *Dan Wells/Goddard Consulting, LLC* representing *Greg Carey/Clean Energy Collective, LLC***

Present for the Applicant: Dan Wells/Goddard Consulting

- Mr. Wells reviewed the wetland delineation for 128 Fisher Street and 90+ Hopping Brook Road, and addressed Mr. Katuska's comments presented in his email dated October 9, 2015.
- A revised plan will be submitted to reflect revisions.
- Ms. Weissman is concerned that FEMA Flood Map is the rule
- Mr. Wells and Mr. Katuska will continue to investigate the flood plain elevations

**Mr. Lively made a motion to continue the Public Hearing for the Abbreviated Notice of Resource Area Delineation for DEP File #185-799: 128 Fisher Street to November 3, 2015. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**\*\*New Public Hearing – Notice of Intent for DEP File #185-XXX: 128 Fisher Street (Assessors Map 1 Block 1, Lots 23.3 and 49) proposal to construct solar-powered electric generating facility, stormwater basins and one utility crossing . *Dan Wells/Goddard Consulting, LLC* representing *Greg Carey/Clean Energy Collective, LLC***

Ms. O'Brien read the legal notice that was published in the *MetroWest Daily News* on October 6, 2015.

Present for the Applicant: Dan Wells/Goddard Consulting,  
Greg Carey & Jay Myrto/ Clean Energy Collective, Worcester

- Mr. Carey explained that they sell %Community-Shared Solar Power+to residential customers who can't put solar on their homes/property such as being in a condo or economic issues as explained in his letter dated October 12, 2015.
- Mr. Myrto explained the site plan for the solar project. String inverters will be attached to back of solar panels so that concrete pads aren't necessary. They also make much less noise than traditional inverters.

- The fence will have a 6+gap at the bottom to allow passage of wildlife.
- There will be some work and grading in the 50qbuffer zone.
- This is a 1.0 MW AC power. (Most solar facilities are DC power).
- About 6 acres of the 30 acre property will be disturbed with there being 5 acres of solar panels.
- Will use a clover mix inside the fence because it is great for bees.
- No stumps will be removed between the panels and the perimeter fence. When trees may sprout from stumps, they will cut trees as necessary so that the panels won't be shaded.
- Some work has been requested in the 50qNo Disturb Buffer Zone.
- Mr. Wells will provide the square footage of the area of the project that is proposed in the 50qBuffer Zone.
- About 5 acres of trees will be cut down to install the panels.
- Mr. Myrto explained that on the south side of the east end of the project, the trees will be cut to allow sunlight in, but no panels will be in the 50qBuffer Zone.
- There have been discussions with Harry Kampersal regarding possibly cutting some trees on the Kampersal property, however nothing has been finalized.
- The extra By-Law fees of \$7,500 will be submitted.
- The extra state fees need to be recalculated. The \$750 was already included.
- A DEP # has not been assigned by the state yet.

**Mr. Lively made a motion to continue the Public Hearing for Notice of Intent for DEP File #185-XXX: 128 Fisher Street to November 3, 2015 Ms. Pilch seconded the motion. Unanimous. (6-0-0)**

**At 10:35 PM, Ms. Weissman made a motion to adjourn the meeting. Mr. Schroder seconded the motion. Unanimous. (6-0-0)**

The next Conservation Commission meetings will be:

**Tuesday, November 3, 2015 at 8:00 PM\*\*\*\*Please note different time. at 7:30 PM; Lower Level Meeting Room #014**

**Tuesday, November 17, 2015 at 7:30 PM; Lower Level Meeting Room #014**