

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

August 9, 2016
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Shaw Lively, Rebecca Weissman, Commissioners; Sheri O'Brien, Conservation Assistant

Absent: Chris Bajdek, Emily Kingston Commissioners

Dr. Rutberg, Chair, opened the meeting at 7:43 PM.

General Business

Discussion - 48 Central Street - Replacement Fence over Culverted Stream - W. Givens

- Mr. Givens attended the meeting to discuss the replacement of his fence.
- Ms. O'Brien visited this property today and presented photos of the fence that needs repairing.
- Ms. Pilch requested a plan that showed the fence replacement location.
- Mr. Givens indicated he could bring a plan to the next meeting on August 23rd.
- Ms. O'Brien said the fence should be 4'-off the ground to allow wildlife passage.
- The Commission discussed the possibility of requesting removal of Japanese Knotweed from the property.
- Ms. O'Brien will provide Mr. Givens with an example invasive species removal plan from the Central Street development project.

Discussion - 3 Minuteman Circle (Fafard Lot 74, Toll Lot 123) - Possible Removal of 4 Trees Behind 50' Buffer Zone Line - Inquiry from Toll Bros.

- Mark McKibben from Toll Brothers inquired about the fact that the buyers of this lot on Minuteman Circle would like to remove four trees that are located just behind the 50' buffer zone line.
- Ms. O'Brien visited the site today and presented photos of the 4 trees and indicated their locations on the Record Plan from the Order of Conditions.
- The Commission decided that the trees were within the 50' No-Disturb Zone, posed no current threat to safety or to the property, and therefore, could not be removed. If the property owner would like to remove the trees then a formal application would be required; however, the Commission does not look favorably on the trees removal.

Discussion - Release of Enforcement Order for Lot 36 Old Cart Path - DEP File #185-756 - Constitution Village LLC

- Ms. O'Brien and Mr. Lively visited this site on Thursday, August 4, 2016.
- Ms. O'Brien presented photos of the site from August 4th and from today.

- Constitution Village LLC has installed a silt fence and hydro-seeded the area since August 4th. Today, however, the seed did not appear to be watered and the soil was completely dry.
- Based on the existing conditions at the site, the Commission did not release the Enforcement Order for this property.

Discussion - Retention of Surety for 10-12 Fairview Street for Native Wetland Shrubs

- Dawn and Damon Alexander of 12 Fairview Street have been waiting since December for the septic system installer to come back to plant the 9 native shrubs that were required by the Order of Conditions, DEP File No. 185-784. The shrubs were supposed to be planted by May.
- The applicant, Thomas Hayes, paid an \$1,800 surety to ensure that the 9 shrubs would be planted which he then charged the installer, Mr. Santoro of Grafton.
- The Town Accountant explained that we can now keep the \$1,800 if we would like to hire someone else to buy and plant the shrubs with the surety money.
- The Commission decided to keep \$1,800 to pay for planting the required 9 native shrubs at the site.

Ms. Pilch made a motion to keep \$1,800 to pay for planting the required 9 native shrubs at 10-12 Fairview Street. Ms. Weissman seconded the motion. Unanimous. (4-0-0)

Request for Certificate of Compliance for DEP 185-657: 62 Indian Ridge Road South (Lot 189) - Chris Torti/Tortcon LLC

- Ms. O'Brien inspected the site and it is not completely stable yet.
- The grass still needs to grow in so that it can be mowed twice; therefore, a Partial Certificate of Compliance will be issued.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP 185-657: 62 Indian Ridge Road (Lot 189). Mr. Lively seconded the motion. Unanimous. (4-0-0)

Discussion - Conservation Restrictions for Pulte New England's Washington Hills (Holliston Woods) & Brooksmont Sr. Residential Development

- The Commission suggested as an alternative to \$1,000 donation that approximately 36-40 Open Space Bounds Markers be placed along the open space boundary, and that an open space flier be created for the new homeowners.

Beaver Dam - Christopher Road

- Ms. O'Brien visited this beaver dam and the adjacent homes on Christopher Road on August 3rd.
- Photos of the dam and the flooded area behind the homes were presented.
- Central Mass. Mosquito Control (CMMC) said they would install the flow control device (aka a ~~beaver~~ beaver deceiver) if the Commission paid for the materials.
- The Commission will notify the landowners at 45 and 53 Christopher Road of CMMC's intentions.

Vote on Draft Meeting Minutes - 7/26/16

Ms. Pilch made a motion to approve the minutes as edited from the July 26, 2016 meeting. Ms. Weissman seconded the motion. Unanimous. (4-0-0)

Review Correspondence

The mail was reviewed.

Notice of Violation for DEP File No. 185-725: 36 Kingsbury Drive (Lot 28R) - J. Gerber

- After discussions with his attorney, the attorney suggested that Mr. Gerber create a deed restriction of about 5,000 to 7,000 sq.ft. upland (non-jurisdictional) area to the Commission in exchange for about 1,000 sq.ft. of the fenced-in vernal pool buffer zone area.
- The Commission agreed that if this deed restriction is granted, a minimum of 6 Open Space concrete marker bounds (with up to 10 markers) should be placed along the line to the agreed upon deeded area.
- Deed Restriction language will be researched and if appropriate language is found, it will be provided to Mr. Gerber at the next meeting.
- Ms. Pilch will try to find an example of the requested language for the deed restriction.
- Ms. O'Brien will discuss with Town Counsel.
- Mr. Gerber is away on vacation this week; therefore, he asked that this conversation be continued on August 23, 2016.

Public Meetings and Hearings

The following two Public Meetings were considered simultaneously:

Continued Public Meeting - Request for Determination of Applicability for #D-576: 194 Lowland Street (Assessors Map 9, Block 2, Lot 57.1) proposed removal of compost and earth products - *George F. Connors, Esq.* representing *Michael Brumber*

Continued Public Meeting - Request for Determination of Applicability for #D-577: 194 Lowland Street (Assessors Map 9, Block 2, Lot 57.1) proposed removal of recycled asphalt materials - *George F. Connors, Esq.* representing *Michael Brumber*

- A copy of the National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Plan (SWPPP) was submitted to the Commission on August 2, 2016.
- Ms. Pilch asked how the stormwater basin was sized.
- Mr. Connors stated that site had good infiltration and water never sits on site for more than a couple of days; and the basin was sized in accordance with the disturbed area.

- Planning Board is down a member, so they have not been able to get final approvals. The next Planning Board meeting is scheduled for September if another member is found to fill the empty position.
- Second RFD is seeking approval for placement of recycled asphalt product (RAP) within 100 . 200qriverfront area.
- RAP was placed over the gravel on DeCarlo's property.
- Commission requested removal of RAP scraped down to the original gravel.

Ms. Pilch made a motion to continue the meeting for #D-576 and #D-577 for 194 Lowland Street to August 23, 2016. Ms. Weissman seconded the motion. Unanimous. (4-0-0)

****New Public Meeting - Request for Determination of Applicability for #D-578: 10-12 Fairview Street (Assessors Map 8, Block 2, Lot 2F) proposed landscaping and construction of two decks at existing duplex home - Dawn & Damon Alexander**

Dr. Rutberg read the legal notice advertised in the *MetroWest Daily News* on August 2, 2016.

Present for the Applicant: Dawn and Damon Alexander, Applicants

- Want to pave driveway, add fences, add decks and stairs, for each unit.
- Fence would have 4+gap on bottom for wildlife passage.
- Shrubs and conservation seed mix were supposed to be placed in 50qNo-Disturb Zone (NDZ), but was never completed by the contractor.
- Commission requested that bounds be placed at the 50qNDZ line.
- Area is currently lawn where the 9 shrubs and conservation seed mix will be placed.
- Fence can be added as proposed but 5 bounds must be placed at 50qNDZ line first.
- Commission will use the \$1,800 retained to add shrubs and conservation seed mix. At the Alexander's request, the Commission agreed that a wetland appropriate wildflower seed mix could be used.
- Homeowner may add additional native plantings, as desired.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-578: 10-12 Fairview Street:

Positive #2B Determination: the boundaries of the wetland resource areas 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 #2 Determination:** the work is within an area subject to protection under the Act and Bylaw, but will not remove, fill, dredge, or alter the Area; therefore, the work does not require a Notice of Intent (with 6 conditions); 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 (with 6 conditions).

Ms. Pilch seconded the motion. Unanimous. (4-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-TBD: 657 Concord Street (Assessors Map 14 Block 4, Lot 3)** proposal for the reconstruction of an existing single-family home and associated site work & grading – *Peter Lavoie/Guerriere & Halnon* representing *657 Concord Street Realty LLC*

Mr. Poxon waived the reading of the legal notice advertised in the *MetroWest Daily News* on August 2, 2016.

- Mr. Poxon presented the project in Mr. Lavoie's absence.
- Entire house in 100' buffer zone.
- Commission questioned the rationale for 6 parking spaces. Mr. Poxon will ask Mr. Lavoie.
- Ms. Pilch asked if there is a retaining wall around the septic system. There is an impervious barrier with retaining wall around the elevated septic system.
- Septic system is designed for 4 bedrooms.
- Commission wants additional information and the rationale for so many parking spaces.
- No DEP file number has been issued yet.

Ms. Pilch made a motion to continue the meeting for DEP File #185-TBD: 657 Concord Street to August 23, 2016. Mr. Lively seconded the motion. Unanimous. (4-0-0)

Conservation Agent Vacancy

- Conservation Commission received 4 additional resumes for the Agent position.
- Dr. Rutberg suggested we interview one potential candidate at the next meeting on August 23rd.
- Dr. Rutberg and Ms. Pilch will meet with Mr. Ritter, Town Administrator to discuss the candidacy on August 11th.

At 10:15 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. Lively seconded the motion. Unanimous. (4-0-0)

The next Conservation Commission meetings will be:

- ∞ **Tuesday, August 23, 2016** at 7:30 PM; Lower Level Meeting Room #014
- ∞ **Tuesday, September 6, 2016** at 7:30 PM; Lower Level Meeting Room #014