

# Holliston Conservation Commission

## Meeting Minutes

Town Hall . Meeting Room #014

April 5, 2016

7:30 PM

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

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

Absent: David Schroder, Commissioner

**Dr. Rutberg, Chair, opened the meeting at 7:33 PM.**

## General Business

### Review Conservation Commission Section of FY15 Annual Report

The Commission asked that any additional reports regarding Lake Winthrop's evaluation be added to the Annual Report.

**Ms. Kingston made a motion to approve the FY15 Annual Report with the addition of the Lake Winthrop information. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)**

### Town Meeting Articles for May 2016:

- **Dam Investigation & Repair Proposal**

The Commission is submitting an article for the May Town Meeting regarding the appropriation of money for a consultant to review the necessary repairs and submit design proposals for the dams at Houghton's Pond, Factory Pond, and Lake Winthrop. These three dams are under Enforcement Orders from the State's Office of Dam Safety, and need to be repaired. The estimated cost of the design proposals is about \$125,000. The Commission would like to review the text of the article before it is submitted to the Town Administrator.

*Ms. Pilch arrived at 7:38 PM.*

- **Bartzak Drive Roadway Acceptance**

Peter Barbieri, Esq. inquired about the status of the Commission's review of Bartzak Drive. The Agent visited the site and at first glance some things were not as expected. Further review is necessary.

**Notice of Wetland Violation: 112 Lake Shore Drive**

Mr. Adalton Sales of Dalton Landscape Construction Inc. was present in response to a Notice of Wetland Violation dated 3-29-16.

- Work was being done right up to the edge of the wetlands
- Mr. Sales immediately put up erosion controls in response to the violation notice.
- A Request for Determination of Applicability was submitted today for the work and will be on the April 19<sup>th</sup> meeting agenda.
- A prior landowner expanded the property area onto Town-owned property and encroachment will need to be documented.

**Enforcement Order for DEP File No. 185-530: End of Jennings Road (north of Old Cart Path) - Peter Lavoie/Guerriere & Halnon representing 126 Residential ANR Realty**

Present for the applicant: Peter Lavoie, Guerriere and Halnon, Inc.

The representative reviewed the draft Memorandum (To: the File, From: the Conservation Agent) from the last meeting on March 22<sup>nd</sup> with his client. The client asked for changes to item #2 regarding soil sampling. The soil texture analysis will not need to be done by a certified testing laboratory as was stated in the Draft of this Memorandum. Instead, this responsibility will be given to a Massachusetts licensed soil evaluator.

**Ms. Weissman made a motion to issue the revised (Rev. #2) Enforcement Order for DEP File No. 185-530: End of Jennings Road (north of Old Cart Path) and to accept the revised restoration plans and proceed with the restoration. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**Vote on Draft Meeting Minutes:****12/1/15 Minutes**

**Mr. Lively made a motion to approve the minutes from the December 1, 2015 meeting. Ms. Pilch seconded the motion. Ms. Weissman abstained. The motion passed. (5-0-1)**

**12/15/15 Minutes**

**Ms. Kingston made a motion to approve the minutes from the December 15, 2015 meeting. Ms. Pilch seconded the motion. Ms. Weissman abstained. The motion passed. (5-0-1)**

**1/19/16 Minutes**

**Mr. Lively made a motion to approve the minutes from January 19, 2016. Ms. Weissman seconded the motion. Unanimous. (6-0-0)**

**3/22/16 Minutes**

**Ms. Pilch made a motion to approve the minutes from March 22, 2016. Ms. Weissman seconded the motion. Dr. Rutberg, Ms. Kingston, and Mr. Lively abstained. A quorum (3) of the 4 people who were present at the 3/22/16 meeting voted to pass the motion. The motion passed.**

### **9/29/15 Minutes**

**Ms. Pilch made a motion to approve the minutes from September 29, 2015. Ms. Weissman seconded the motion. Mr. Lively abstained. The motion passed (5-0-1)**

### **Historical Minutes**

- **Twenty-six sets of minutes from 2010 through 2012 will be issued without approval as the required Commissioners present at those meetings are no longer available to approve these minutes.**
- **Six sets of minutes from 2012 will be forwarded for review to the Commissioners who were present at those meetings, so that they may be approved.**

### **Eagle Scout Project Proposal – Boardwalks proposal**

Master Ryan Paradie proposed 2 boardwalks in the Fairbanks Conservation Area.

- The locations were shown on a map.
- Photos of the areas where the 2 boardwalks are proposed were presented.
- The boardwalks will be 48qand 75qlong.
- Boardwalks will extend beyond wet areas and help prevent more erosion.
- A trail between the 2 boardwalks needs to have a fallen tree cleared out of the way.
- The Commission emphasized that the trail surface should not be cleared.
- The Eagle Scout project proposal was signed by Dr. Rutberg, the Chairman.

### **New England Mountain Bike Association (NEMBA) Boardwalk proposal**

John Goeller, NEMBA, proposed an 18qboardwalk to be built by NEMBA in the Fairbanks Conservation Area. The Commission approved this proposal.

Also, a deer stand straight west of the Adams Street Conservation Area parking lot (on the left branch of the trail) was reported.

## **Public Meetings and Hearings**

**Continued Public Hearing – Request for Amended Order of Conditions for DEP #185-782: Lot 75A Old Cart Path (Assessors Map 14 Block 5, Lot 75A)** Proposal to restore unpermitted alterations to buffer zone resource areas and construct an earthen berm at a lot previously approved for construction of a single-family house . *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

Present for the applicant: Peter Lavoie, Guerriere and Halnon, Inc.

Dr. Rutberg and Ms. Kingston submitted affidavits regarding their review of the public hearing evidence from 3/22/16.

Mr. Lavoie presented a revised plan dated 3-28-16. Six deciduous trees were proposed (2 gray birches, 2 yellow birches, 2 white oaks) to replace 6 of the 41 white pine trees. (The number of trees was reduced from 84 to 41 from the last plan, because the plantings were too dense.) The Commission believes that replacing only 6 of the 41 white pines with deciduous trees does not reflect the forest that was previously there. They requested that a minimum of 50% of the replacement trees be deciduous trees.

Ms. Tara D'Amato, 24 Praying Indian Way, was concerned about the trees ability to survive. It was explained that the restoration plan requires monitoring over a 1 year period and replacement, if necessary.

**Ms. Kingston made a motion to continue the hearing for the Amendment to the Order of Conditions for DEP #185-782: Lot 75A Old Cart Path to April 19, 2016. Ms. Pilch seconded the motion. Mr. Lively abstained. The motion passed. (5-0-1)**

**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 . *George Connors/Connorstone Engineering* representing *Michael Brumber* -

The applicant's representative, George Connors, requested a continuation until April 19, 2016.

**Ms. Pilch made a motion to continue the hearing for DEP File #185-796: 194 Lowland Street until April 19, 2016. Ms. Weismann seconded the motion. Unanimous. (6-0-0)**

**\*\*New Public Hearing – Notice of Intent for DEP File #185-XXX: 16 Fruit Street (Assessors Map 8F Block 3, Lot 24)** proposal to expand the parking lot, construct a stormwater detention basin, and demolish a house . *Robert Truax/GLM Engineering* representing *Daniel Nissi, MetroWest Realty Group LLC*

Present for the applicant: Robert Truax, GLM Engineering, Daniel Nissi, Thomas Chipman (contractor), Peter Barbieri (attorney)

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 29, 2016.

- Plans dated 3-10-16 were presented for Existing Conditions (Sheet 2 of 7) and Grading & Drainage (Sheet 4 of 7).

- A DEP File number has not been assigned by the DEP yet.
- The Stormwater Management section of the Notice of Intent is being sent out for Peer Review with TetraTech and they are putting together a proposal.
- An escrow check from the applicant will be needed for the peer review.
- Mr. Truax submitted the abutter notification receipts.
- The house will be demolished and this was approved by the Historical Commission.
- Currently, 19 cars can be parked in a %stacked+ fashion. With the proposed plan 23 cars will be able to be parked in an improved lot which includes one handicap space.
- Catch basins cannot be installed because there isn't enough depth; therefore, a bio-retention area is being proposed.
- There are no underground drains.
- The flood plain overlies the lower edge of the parking lot and it is not being filled, but will actually be excavated for the bio-retention basin.
- A landscape plan will be provided by the end of the week.
- The Commission inquired about the possible use of pervious pavers, but the representative was concerned about their durability.
- The additional By-Law fee for the Detention Basin (\$2,250) will be reviewed and considered by the Commission.

**Ms. Pilch made a motion to continue the hearing for DEP File #185-XXX: 16 Fruit Street to April 19, 2016. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

### **General Business Continued**

#### **Review Correspondence**

The mail was reviewed.

#### **Letter RE: Tree Cutting at 179 Mohawk Path** (By-Law File # B-004)

Mr. Hinesh Surati requested permission to cut down 4 oak trees that are in the 50' no-disturb buffer zone. They are not wind-firm. The Commission reviewed a draft letter to Mr. Surati allowing the removal of the 4 trees to reduce the risk of tree fall damage to his home. The Commission discussed the letter and agreed that the cutting of these 4 trees should be allowed.

The Commission agreed that a policy needs to be developed regarding the building of structures within a certain distance of the 50' No-disturbance Zone. This is a public safety issue and a policy should be developed in conjunction with the Building Department and Planning Board.

### **Vernal Pool Workshop on April 8<sup>th</sup>**

The Agent is attending a vernal pool workshop by the Association of Massachusetts Wetland Scientists.

### **Conservation Associates Vernal Pool Walk on Saturday, April 9<sup>th</sup>**

The Commission was reminded about the Conservation Associates Vernal Pool Walk with Marc Connelly.

### **Beaver Issues Behind 405 & 423 Gorwin Drive**

Complaints of high water levels have been received. There is no freeboard at the back of these properties. A spur dam behind 413 Gorwin Drive seems to be causing the major problem. There isn't certainty about whose property the dam is on, so a survey may be necessary.

**At 9:31 PM, Mr. Lively made a motion to adjourn the meeting. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

The next Conservation Commission meetings will be:

- ∞ **Tuesday, April 19, 2016** at 7:30 PM; Lower Level Meeting Room #014
- ∞ **Tuesday, May 3, 2016** at 7:30 PM; Lower Level Meeting Room #014